

26.06.2023

Ct. No.15

Sl. No.13

akd

W.P.A. 20298 of 2018

Baikuntha Nath Pal @ Paul

Vs.

The State of West Bengal & Ors.

Mr. Diptendu Mondal

... .. for the petitioner

Mr. Alok Kumar Ghosh

Mr. Fazlul Haque

... for the KMC

The writ petition is taken up for consideration pursuant to the order dated 12th June, 2023. Accommodation has been prayed for on behalf of the petitioner in view of death of the petitioner.

The prayer for accommodation has been opposed by the learned advocate representing the Kolkata Municipal Corporation.

On perusal of the records it appears that there is substance in the submission made on behalf of the Corporation while opposing the prayer for accommodation as made on behalf of the petitioner. As it appears vide order dated 19th June, 2019, a coordinate Bench directed the writ petition to go out of the list on identical submission being made on behalf of the petitioner that the petitioner has expired. Thereafter, it appears even on expiry of four years, no steps have been taken for substitution in view of death of the petitioner.

The writ petition was taken up for consideration by this court on 12th June, 2023 when no one appeared for the petitioner. As a result whereof, this court directed the learned advocate representing the Kolkata Municipal Corporation to

serve notice upon the learned advocate representing the petitioner and the matter has been fixed for consideration today, 26th June, 2023. It has also been submitted on behalf of the Kolkata Municipal Corporation that an effort was made to serve notice upon the advocate-on-record of the petitioner and the same was refused. Today when the matter is called on, accommodation has been prayed on behalf of the petitioner.

In view of the aforesaid facts, it appears that the heirs of the deceased petitioner are no more interested to take steps. Due to efflux of time, the writ proceeding has also been abated.

Accordingly, nothing remains to be decided in this writ petition in view of abatement of the writ proceedings.

The writ petition stands dismissed.

However, there shall be no order as to costs.

The envelope with an endorsement 'deceased' is taken on record.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)