

S/L 37
06.09.2023
Court. No. 29
Suwayan

**WPA 21577 of 2019
With
CAN 1 of 2020
With
CAN 2 of 2021**

**Chuanpur Saptaparni, Registered Society & Anr.
Vs.
The State of West Bengal & Ors.**

*Mr. S. R. Das
Mr. S. Rakshit
Mr. K. P. Mukhopadhyay*

...for petitioners.

1. Learned Advocate for the petitioners is present.
2. The affidavit-of-service as filed today on behalf of the writ petitioners be taken on record.
3. At the very outset, learned Advocate for the writ petitioners submits before this Court that in the meantime the instant writ petition has become infructuous, however, he requests this Court to pass an appropriate order in terms of the prayer as made in CAN 2 of 2021.
4. On perusal of the prayer portion of the interim application being CAN 2 of 2021 it reveals that the writ petitioners have prayed for an appropriate order by directing the respondent Nos. 3, 4 and 5 and the other respondents concerned to release the pending bills of the writ petition.
5. From the materials as placed before this Court it reveals that it is the grievance of the writ petitioners that they have not been paid with the outstanding dues by the respondents on account of the contractual obligation as

entered into by and between the writ petitioners and the State/respondents.

6. In considered view of this Court, this Court sitting in writ jurisdiction cannot adjudicate the contractual obligation of the respondents, if there be any and in further considered view of this Court, the proper forum is common law forum where the contractual obligation of the respondents can be determined by trial on evidence.

7. In view of such fact, this Court finds no merit either in the instant writ petition or in the interim application being CAN 2 of 2021.

8. Accordingly, the instant writ petition being WPA 21577 of 2019 and interim applications being CAN 1 of 2020 and CAN 2 of 2021 are dismissed.

9. There shall be, however, no order as to costs.

10. Parties to act on the server copies of this order.

11. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)