

16 19.01.2023

gd/ssd

MAT/1780/2022
VINOD KR. GUPTA AND ANR.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Rachit Lakhmani,
Ms. Soumi Guha Thakurta
..for the Appellants.

Mr. Nilotpal Chatterjee,
Ms. Amrita Lal Chatterjee
..for the State.

Md. Y. Mondal
..for the Respondent No.5.

This intra court appeal is directed against the interlocutory order of the learned Single Judge dated 4th November, 2022 passed in WPA 16657 of 2019 whereby the learned Single Judge while disposing of CAN 1 of 2022 has directed the concerned Police officer to visit the premises and issue appropriate stern warnings to the appellants and also directed that upon receipt of any communication from the writ petitioner the Officer-in-Charge, Kasba Police Station shall take coercive measure against the appellants.

The record reflects that the writ petitioner had approached the Writ Court with the plea that the appellant no.1 is the son and the appellant no.2 is the daughter-in-law and that the writ petitioner was harassed and mistreated by the appellants, therefore,

complaints were made to the police authorities and alleging inaction on the part of the police, he had prayed for a direction to the concerned respondents to take steps in terms of the complaints.

Learned counsel appearing for the appellants has pointed out that subsequently WPA 16657 of 2019 has been disposed of by order dated 24th November, 2022 recording the assurance of the appellants that they will take good care of the writ petitioner and will not give rise to any occasion for them to disbelieve. A limited submission of counsel for the appellants is that the direction issued by the learned Single Judge in the impugned interlocutory order relating to taking the coercive measure against the appellants on receipt of communication from the writ petitioner still stands and they are under threat of action at any time by the police on receipt of the complaint.

Learned counsel for the private respondent does not dispute that subsequently the matter has been amicably settled and the writ petition has been disposed of.

Since the order dated 4th November, 2022 under challenge in this appeal was an interlocutory order and subsequently the writ petition itself has been disposed of, therefore, the said interlocutory order does not survive on disposal of the writ petition.

Hence, the interim direction contained in the said interlocutory order need not be given effect to independently after the disposal of writ petition.

The appeal is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

qq