

27.09.2024
rpan/16

MAT 1360 of 2024
+
IA No.: CAN 1 of 2024 (Stay)
+
IA No.: CAN 2 of 2024 (Sec. 5)
Santanu Murmu & Others
– Versus –
State of West Bengal & Others

Mr. Pradip Saren,
Mr. Soumik Ghosh
... for the Appellants.
Mr. Ayan Banerjee,
Ms. Priyanka Jana
... for the State/Respondents.
Mr. Sudeep Sanyal,
Mr. Sukanta Das,
Ms. Tutun Das
... for the Private Respondent no.9.

Affidavit-of-service, as filed, be kept on record.

Since we have invited the parties to advance their arguments on merit, the delay in preferring the present appeal is condoned and accordingly, the application for condonation of delay, being IA No.: CAN 2 of 2024 is allowed.

The learned advocate representing the appellants submits that the land in question belongs to the Paschim Medinipur Zilla Parishad, and by an instrument dated 2nd June, 2017, the land was leased to the appellants. All actions taken by them in respect of the said plot of land are supported by the terms and conditions of the instrument, which was renewed from time to time. Therefore, respondent no. 3 cannot interfere in the matter. He contends that this issue was raised before the learned Single Bench, but it was overlooked and the issue was relegated to respondent no. 3.

However, citing the order passed by respondent no. 3 on 18th June, 2024, the learned advocate representing private respondent no. 9 submits that the order challenged in the present appeal has already been acted upon, and a fresh order has been passed.

Since the order under challenge in this appeal has been acted upon, and in compliance with the said order a fresh order was passed by the concerned authority on 18th June, 2024, the present appeal has become infructuous. Accordingly, the appeal, along with the stay application, being IA No.: CAN 1 of 2024 is dismissed.

However, this order of dismissal shall not preclude the appellants from challenging the order dated 18th June, 2024, passed by respondent no. 3, before the appropriate forum in accordance with law, if they are so advised and so desire.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)