

Dd **4-5 02.12.2024**
(ML)

MAT/1740/2023
With
IA NO: CAN/1/2023

PRADIP AND KUMDUM GHOSH
FAMILY FOUNDATION
VS.
PANIHATI MUNICIPALITY AND ORS.
With
COT/1/2024
RAMAKRISHNA VIVEKANANDA MISSION
VS.
PRADIP AND KUKKUM GHOSH FAMILY
FOUNDATION AND ORS.

Mr. Arindam Banerje,
Mr. Chayan Gupta,
Mr. Souryadeep Banerjee,
Mr. Dwip Raj Basu,
Ms. Mohini Mazumdar, Advocates
... ... For the Appellant

Mr. Rabindra Narayan Dutta,
Mr. Soumyadip Bhatta, Advocates
... ... For the Panihati Municipality

Mr. Biswaroop Bhattacharya,
Mr. Vivekananda Bose,
Mr. Lokenath Chatterjee,
Mr. Jaydeb Ghorai,
Mr. Diptesh Ghorai, Advocates
.. ...For Ramkrishna Vivekananda
Mission

1. Appeal is directed against an order dated June 22, 2023 passed by WPA 455 of 2018.
2. There is a counter objection in the appeal.
3. By consent of both the parties, both the appeal and cross-objection are taken up for final hearing.
4. Learned advocate appearing for the appellant submits that, his client received the documents

subsequent to filing of the appeal and, therefore, at the present stage the appeal is infructuous.

5. In such circumstances, MAT/1740/2023 along with connected application are **disposed of as infructuous** without any order as to costs.
6. Learned advocate appearing for the cross-objector submits that, the writ petitioner is not a citizen of India. He contends that the writ petitioner is without any right, title and interest in respect of the immovable property concerned. He questions the maintainability of the writ petition at the behest of the writ petitioner.
7. We find from the records that the issue as to whether, the writ petitioner is without any right, title and interest with regard to the immovable property or that the writ petition is not maintainable at his instance was not decided by the impugned order. We need not enter into such arena in appeal at the behest of the cross objector since the appeal is infructuous at this stage and such issue was not decided by the learned single Judge. Such issue is kept open to be decided in an appropriate proceeding.
8. COT/1/2024 in MAT/1740/2023 is **disposed of** accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)