

13 24.9.2024
Sc Ct. no.2

WPA 24126 OF 2024

Sk Arfat & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Sanjay Mukherjee
Mr. Balaram Pandit
Mr. Amit Nath.

....For the Petitioners

Mr. Chandi Charan De, Ld. Addl. Govt. Pleader
Ms. Reshma Chatterjee.

.....For the State

The petitioners being the alleged encroachers of a highway land has filed this writ petition with the contention that, the land on which the petitioners allegedly encroached was not a highway land as no notification was issued by the competent authority under **Section 3** of the **West Bengal Highways Act, 1964**.

Today when the matter has been taken up for consideration Mr. Sanjay Mukherjee, learned counsel appearing for the petitioners submit that, the State authority has demolished a part of the structure of the petitioners and the part remains.

Mr. Chandi Charan De, learned Additional Government Pleader appearing for the State respondents places a written instruction dated **September 24, 2024** signed by the Inspector-in-Charge, Mohanpur P.S., the

same is taken on record, showing that, the entire structure has been demolished.

In view of the above, nothing further survives in this writ petition since the demolition of the structure has taken place. This writ petition has become infructuous.

Accordingly, **WPA 24126 of 2024** stands ***dismissed*** as ***infructuous***.

However, dismissal of this writ petition shall not preclude the petitioners to initiate appropriate proceeding in law if the petitioners are entitled to do so in accordance with law subject to its maintainability.

(Aniruddha Roy, J.)