

AD-09
Ct No.09
22.04.2024
TN

WPA No. 28867 of 2022

S.C. Bagchi Arogya Sadan Private Limited
and others
Vs.
The Commissioner of Excise, West Bengal
and others

Mr. Arindam Banerjee,
Ms. Arpita Saha,
Ms. Sinthia Bala

.... for the petitioners

Mr. Anirban Ray, Ld. GP,
Mr. Tanoy Chakraborty

.... for the State

Mr. Srinjoy Das,
Mr. Saroj Banerjee,
Ms. Juin Jana

.... for the private respondent

- 1.** Learned counsel for the petitioners alleges that the private respondent has set up an off shop for sale of liquor near the premises of the petitioner no.1-hospital. Such off shop is creating extreme nuisance for which a representation has been given which has not been considered by the respondent-authorities.
- 2.** Learned counsel for the private respondent opposes such contentions.
- 3.** Learned counsel for the respondent-authorities hands over a copy of a decision which has been taken in the meantime by the respondent-authorities on December 09, 2022 whereby the contention of the petitioners has apparently been turned down. Copies of the said documents are handed over here and now to

learned counsel for the petitioners as well as to the private respondent.

4. Learned counsel for the respondent-authorities also adds that the off shop is running since 1993.
5. Since the cause of action of the writ petition has been rendered infructuous by such decision, there is no use prolonging the same.
6. Accordingly, WPA No. 28867 of 2022 is disposed of as infructuous with liberty to the petitioners to challenge the decision taken on the representation given by the petitioners, regarding running of the off shop at the premises-in-question by the private respondent, by way of a fresh challenge. If such a challenge is preferred, the appropriate court/writ court shall decide all issues involved without being prejudiced in any manner by the present disposal.
7. Copies of documents handed over be kept on record.
8. There will be no order as to costs.
9. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)