

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

21 10.4.2024
Sc Ct. no.2

WPA 373 OF 2024

M/s. Mahakal Industries & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Jagriti Mishra

Ms. Ananya Bhattacharya

Mr. Ashok Singhi

Mr. Raj Kumar Mitra

Ms. Mrinmayee Das.

....For the Petitioners

Mr. Joyjit Choudhury

Mr. Subir Kumar Saha

Mr. Nabankur Paul.

....For the State

Mr. Jagriti Mishra, learned counsel appearing for the petitioners submits that, numerous writ petitions are pending on the identical issue in which same and identical orders are passed by various coordinate Benches. He submits that, one of such writ petition is **WPA 1146 of 2021** in which by an order dated **October 9, 2023** that writ petition was disposed of. He submits that, identical order may be passed in this writ petition also.

Mr. Joyjit Choudhury, learned Additional Advocate General for the State appears for the State respondents. The last order dated **April 3, 2024** speaks for itself. Learned Additional Advocate General submits that, no appeal has been carried

out. The endeavour has been taken to carry out an appeal from those orders but till date there is no appeal on the board. In view of the above this order is passed.

Admittedly, the Notification challenged in the present writ petition has already been stayed in another proceeding and against the said order of stay, the State authorities have preferred an appeal being **MAT 960 of 2021, MAT 1257 of 2021** and **MAT 686 OF 2017**, presently pending before the Division Bench of this Court.

The writ petitioners have been granted interim relief by an order of this Court dated **December 21, 2021** wherein an interim protection has been granted to the petitioners directing as follows :

“ As the operation of the notification dated July 24, 2017 has already been stayed, no further direction is necessary for protection of the petitioners, save and except, that the petitioners shall not be harassed in any way by the regulated market committees and their vehicles will not be stopped until an order is passed in the pending appeal and the order of the coordinate bench of this court is either set aside and/or modified.”

On hearing the learned counsel for all the parties in the present case, the present writ petition is disposed of with the direction that, the said interim protection be made absolute till disposal of

and subject to the final decision in the appeals pending before the Division Bench.

The writ petition, **WPA 373 of 2024** accordingly stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)