

S/L 4
20.05.2025
Court. No. 19
Sourav

WPA 5781 of 2025

**Anup Kumar Mandal & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Tanmay Chowdhury
Ms. Ritoprita Ghosh*

...for the petitioners.

*Mr. Ayan Banerjee
Mr. Amrita Lal Chatterjee*

...for the State.

*Mr. Probal Kr. Mukherjee, Sr. Adv.
Ms. Shebatee Datta*

...for the respondent no. 8.

1. The writ petitioners, the respondent/State and its functionaries and the private respondent no. 8 are represented by their respective learned advocates.
2. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondents/authorities, more specifically, against the respondent no. 5/authority for quashing of the notice dated 21.02.2025 and the notice dated 03.03.2025.
3. In course of submission, Mr. Chowdhury, learned advocate appearing on behalf of the writ petitioners submits before this Court that from the aforementioned two letters as have been annexed at Page Nos. 47 and 49 of the instant writ petition, it would reveal that the respondent no. 5/authority without giving any opportunity of hearing had passed an order for removal of the structure of the writ petitioners as has been allegedly constructed over the land of the Irrigation Department. It is submitted by Mr. Chowdhury that since the respondent no. 5 has not

followed the principles of natural justice, the interference of this Court in judicial review is very much warranted.

4. In his next limb of submission, Mr. Chowdhury draws attention of this Court to Page No. 6 of the supplementary affidavit as filed on behalf of the writ petitioner no. 2 as affirmed on 16.05.2025. It is submitted by Mr. Chowdhury that after filing of the instant writ petition, the respondents/authorities have realized their fault and which is why the respondent no. 3 has issued a notice dated 10.03.2025 to the writ petitioners as well as to the other alleged occupiers over the plot of land as allegedly belonging to the Irrigation Department.
5. In course of his submission, Mr. Banerjee has submitted an instruction dated 16.05.2025 as received by him from the Executive Engineer – II, Lower Damodar Construction Division. Mr. Banerjee has also handed over a copy of the instruction dated 16.05.2025 containing the reasoned order dated 29.04.2025 as passed by the respondent no. 3 to Mr. Chowdhury, learned advocate for the writ petitioners.
6. It is submitted by Mr. Banerjee that the instant writ petition has now become infructuous in view of the fact that in terms of the order and judgment dated 02.04.2024 as passed by a co-ordinate Bench in an earlier round of litigation, the respondent no. 3 after giving due opportunity of hearing to the writ petitioners as well as to all other encroachers and/or all other concerned persons passed a reasoned order dated 29.04.2025, a copy of which

has been annexed with the instruction as filed before this Court.

7. Mr. Mukherjee, learned Senior Advocate appearing on behalf of the private respondent practically echoed the submission of Mr. Banerjee. He also submits that the present writ petition has become infructuous in view of passing of the reasoned order dated 29.04.2025 by the respondent no. 3/authority.
8. This Court has meticulously gone through the copy of the reasoned order as submitted on behalf of the respondent/State wherefrom it would reveal that pursuant to the judgment and order dated 02.04.2024 as passed by a co-ordinate Bench of this Court in WPA 25219 of 2023, the respondent no. 3 after ensuring service of notice upon all concerned including the writ petitioners came to a specific finding with regard to unauthorized construction over the land of the Irrigation and Waterways Department at the instance of the present writ petitioners.
9. It reveals further that while passing such reasoned order, due opportunity of hearing was given to the all concerned and the respondent no. 3 has also relied upon the report of the jurisdictional BL & LRO and, ultimately, passed an order for removal of the unauthorized construction over the land of the Irrigation and Waterways Department in terms of Section 32A of the Bengal Embankment Act, 1882 within the stipulated period.
10. In view of the progress as noted by this Court in the foregoing paragraphs, this Court is of considered view that

there is nothing left to be decided in the instant writ petition.

11. Accordingly, this Court holds that the instant writ petition has practically lost its force and become infructuous.
12. With the aforementioned observations, the instant writ petition being **WPA 5781 of 2025** is disposed of.
13. Before parting with, it is made clear that while disposing the instant writ petition, this Court has not gone into the merit of the reasoned order dated 29.04.2025 as passed by the respondent no. 3.
14. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)