

2803
2025

FRIDAY

Court : CB-28
Item : DL-23
Bench : SINGLE
Matter : WPA
Status : DO
ID : 266306
AR : NANDY

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 27385 OF 2024

DINABANDHU DAS BAIRAGYA
VS.
THE STATE OF WEST BENGAL & ORS.

MS. PAMPA DEY (DHABAL), ADVOCATE
MS. SANGITA BANERJEE, ADVOCATE

.....for the Petitioner

MR. SK. MD. GALIB, ADVOCATE
MS. SUJATA MUKHERJEE, ADVOCATE

.....for the State

1. Affidavit of service filed in Court today be kept with the record.
2. The writ-petitioner is aggrieved by non-renewal of his license in respect of a Saw Mill despite such prayer being made before the respondent licensing authorities.
3. The petitioner draws the attention of this Court to page 34 of the writ-petition to submit that a prayer for renewal was made to the licensing authority on 05.08.2024 but the same is yet to be disposed of by the authority concerned.
4. Learned Advocate appearing for the State hands up a copy of the instructions given to her by the Divisional Forest Officer, Burdwan Division wherefrom it appears that the petitioner's request for renewal of license has been declined by the Authorized Officer and Divisional Forest Officer, Burdwan Division by an order dated 13.09.2024. The petitioner has been handed up a copy of the said order in Court today.
5. Learned Advocate for the petitioner submits that the said order dated 13.09.2024 was never communicated to the petitioner and that the same is being handed over to her only today in Court.
6. In view of the aforesaid facts, the cause of action for the instant writ-petition no longer survives.
7. Since the cause of action for the instant writ-petition no longer survives, the writ-petition is disposed of as

having become infructuous with the observations that the petitioner shall be entitled to take recourse to the remedy available to the petitioner against said order in terms of the governing statute and the period of limitation for taking recourse to such remedy shall be counted from today unless the respondents are able to demonstrate before the relevant appellate authority that the order had been served upon petitioner at any prior point of time than today.

8. It is clarified that in the event, the respondents are able to demonstrate that the order had been served upon the petitioner prior to today's date, the date for computation of the period of limitation shall be counted from that date of service.
9. With the aforesaid observations, **WPA 27385 of 2024** is **disposed of**.

(OM NARAYAN RAI, J.)