

CRR 4735 of 2024

**Abdul Rajjak Ahmed
Vs.
The State of West Bengal**

Mr. Pawan Kumar Gupta
Mr. Shiladitya Barma
Ms. Priyanka Ghosh ...for the petitioner

Mr. Arindam Sen
Ms. Sima Biswas ...for the State

Learned counsel for both the parties submit that by an order dated 8th January, 2026, the impugned proceeding being case no. 211 of 2024 has been dropped by the concerned Sub-Divisional Magistrate, Gangarampur and as such, the present application has become infructuous.

However, learned counsel for the petitioner submits that he has already deposited Rs. 32,500/- towards execution charges and expenses incurred by the court below which he is entitled to withdraw.

Learned counsel for the State opposed such prayer contending that the State has already incurred expenditure of the said amount towards removal of the illegal construction and as such, the question of return of the said amount of money does not arise.

In reply, learned counsel for the petitioner submits that there appears to be no removal of construction and therefore, incurring expenditure towards execution charges does not arise.

Having heard learned counsel for both the parties, the instant application being CRR 4735 of 2024 stands dismissed as

infructuous. However, this dismissal order will not preclude the petitioner to make appropriate prayer before the court below in connection with the return of the said amount of money allegedly deposited towards execution of charges and expenses incurred by the court below and in the event of filing such application by the petitioner the court below will dispose of his prayer in accordance with law without being influenced by any observations made herein.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)