

17.02.2026
Item No.05
Court No.11
KCP

MAT 2145 of 2025
with
IA No. CAN 1 of 2025
and
IA No. CAN 2 of 2026

Md Mosarof Hossain
- Versus -
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya
Mr. Rezaul Hossain
Mr. Parvez Hossain
...for the appellant

Mr. Swapan Kr. Datta, Ld. G.P.
Mr. Suman Sengupta
Mr. Dwaipayan Basu Mallick
Mr. Sanatan Panja
...for the State respondents

Affidavit-of-service, as filed, be kept on record. In spite of service, no one appears on behalf of the private respondent.

The present appeal has been preferred challenging an order dated 24th November, 2025 passed by the learned single Judge in a writ petition being WPA 18042 of 2025 by which the learned single Judge disposed of the writ petition with a direction that the respondent no.5, the District Controller, Food and Supplies, Uttar Dinajpur shall consider the representation of the writ petitioner/appellant dated 17th July, 2025, upon granting an opportunity of

hearing to all the stakeholders and pass a reasoned order, in accordance with law.

Records reveal that the matter came up for hearing before this Court on 16th January, 2026 and on the said date, the Court adjourned the matter as the private respondent, whose presence was necessary, was not appearing and in the meantime, the learned advocate appearing for the State was directed to avail all necessary instructions.

Mr. Bhattacharya, learned advocate appearing for the appellant files an application for taking note of subsequent event enclosing therewith an order dated 27th January, 2026 passed by the respondent no.3 in compliance with the order of the learned single Judge.

Mr. Datta, learned Government Pleader appearing for the State respondents submits that the said order was passed upon granting an opportunity of hearing to the appellant.

As the order of the learned single Judge has already been acted upon and as a fresh cause of action has arisen, we are not inclined to entertain the present appeal and the connected applications and the same are, accordingly, dismissed.

It is, however, made clear that the appellant would be at liberty to challenge the said order dated 27th January, 2026 passed by the respondent no.3 before the appropriate forum, in accordance with law.

There shall, however, be no order as to costs.

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)