
(2026) 08 CAL CK 2995

In the Calcutta High Court, Appellate Side

Case No : WPA 27987 of 2023 With CAN 2 of 2024

Md. Samsuzzoha & Anr.

APPELLANT

Vs

The State Of West Bengal & Ors.

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Citation : (2026) 08 CAL CK 2995

Hon'ble Judges : Smita Das De, J.

Bench : Single Bench

Advocate : Mr. Pratip Kumar Chatterjee, Ms. Maitrayee Chatterjee, Mr. Nikunj Berlia, Mr. Bijitesh Mukherjee, Mr. Debobrata Saha Roy, Mr. Subhankar Das

Final Decision : Dismissed

Judgement

1. Learned advocate appearing for the petitioners submit that during the pendency of the instant writ petition the Directorate of DDP&S, being the respondent no. 3 has taken a decision on 19.11.2025, the operative part of which is reproduced below:

“The concerned applicants having completely failed to submit the no-objection certificates (NOCs) from the other dependent family members of the deceased dealers and the dispute is purely private in nature, their applications shall be revisited subject to the outcome of the WPA 27987 of 2023 with CAN 1 of 2024 and CAN 2 of 2024.”

2. The petitioners seek leave of this Court to file a supplementary affidavit to bring on record the decision taken by the respondent no. 3 for appropriate adjudication.

3. Learned counsel appearing for the private respondent vehemently opposes the prayer made by the petitioner and submits that the authorities concerned i.e. respondent no.3 has already taken a decision on the subject matter on 19.11.2025.

4. The said decision gives rise to a fresh cause of action in favour of the petitioners.

5. That in view of the subsequent decision the present writ petition has become infructuous and is liable to be dismissed.
6. Having heard the learned counsel for the parties and upon perusing the materials available on record this Court observes that during the pendency of this writ petition respondent no.3 has passed a reasoned order dated 19.11.2025. By the said order respondent no.3 has declined to consider the application on merits at this stage on two grounds (a) non-submission of no objection certificate from other dependent family members of the deceased dealer; (b) the dispute being purely private in nature.
7. It is further stated that the applications shall be revisited subject to the outcome of WPA 27987 of 2023 along with other connected applications pending before this Court.
8. In view of the subsequent decision dated 19.11.2025 the original grievance raised in the present writ petition no longer survives. The cause of action has merged into the main decision.
9. The order dated 19.11.2025 constitutes a new and independent cause of action.
10. The petitioners, if aggrieved, may challenge the same by filing a fresh writ petition.
11. With the above observations and directions the present writ petition along with all connected applications is dismissed as having become infructuous.
12. Liberty is granted to the writ petitioner to file a fresh writ petition challenging the order dated 19.11.2025 passed by respondent no.3 in accordance with law.
13. Photostat certified copy of this order, if applied for, be furnished expeditiously.