

At the Supreme Court Sitting as the High Court of Justice

HCJ 8084/19

Before: **Honorable President E. Hayut**
Honorable Justice N. Sohlberg
Honorable Justice G. Karra

The Petitioners:

1. _____ **Raddad**
2. _____ **'Amer**
3. _____ **Shaqeir**
4. **Head of Masha Village Council, _____**
Ahmad
5. **Mayor of a- Zawiya, _____ Moqdi**
6. **HaMoked: Center for the Defence of the Individual**

v.

The Respondent: **Military Commander of the West Bank Area**

Consent Motion for Cancellation of Hearing Scheduled for September 14, 2020, dated September 10, 2020; Notice on behalf of the Petitioners dated September 13, 2020; Notice on behalf of the Respondent dated September 13, 2020

Representing the Petitioners: **Adv. Tehila Meir**

Representing the Respondent : **Adv. Roi Shweika**

Judgment

The Consent Motion for Cancellation of Hearing filed by the Respondent on September 10, 2020, indicates a meeting was held on September 9, 2020, with respect to the opening arrangements of the 'Magen Dan' Gate, the subject matter of the petition at hand, at the conclusion of which it was decided that commencing on September 9, 2020, full responsibility for the opening of the gate would be transferred to the Military Police. It was also decided that the gate would be opened on a daily basis, every weekday, from 06:00 A.M. to 06:30 A.M., 12:00 P.M. to 1:00 P.M., and 5:00 P.M. to 5:20 P.M.

We are aware of Petitioners' notice dated September 13, 2020, arguing there were inconsistencies between the content of the Consent Motion for Cancellation of Hearing and what farmers were told on the ground. However, in the circumstances of the matter, in view of the change in the gate opening arrangement, notice of which was given by the Respondent in the above Consent Motion for Cancellation of Hearing, at this time, there is no room to further deliberate on the petition, since its underlying factual basis is no longer relevant.

Therefore, the petition, in its current form, has become moot without prejudice to Petitioners' arguments, which may retain their arguments in the event that future developments justify additional legal action.

The petition is therefore dismissed without prejudice. No costs order is made. The hearing scheduled for tomorrow, September 14, 2020, is canceled.

Given today, September 13, 2020.

President

Justice

Justice