

25.09.2023
Item No. 2
Crt.No.22
b.r.

WPA 1442 of 2011
IA No. CAN 2 of 2016 (Old No. 9057 of 2016)

Safiur Rahaman
-vs-
The State of West Bengal & Ors.

Mr. Soumitra Mukherjee
Mr. Hafiz Ali

.... For the petitioner.

Mr. Pratip Kumar Chatterjee
..... for the Resp. no.6.

In Re: **IA No. CAN 2 of 2016 (Old No. 9057 of 2016)**

A copy of the restoration application has been served upon Mr. Pratip Kumar Chatterjee, learned advocate appearing for the respondent no.6 in the writ petition.

This is a restoration application. The writ petition was dismissed on **August 11, 2016**. The restoration application was filed on **August 30, 2016**.

Learned advocate appearing for the respondent no.6 prays for an opportunity to file an affidavit-in-opposition in this restoration application.

Considering the order of dismissal of the writ petition on the ground of default and considering that the restoration application having been made within the time prescribed under the Limitation Act and sufficient cause being made out in the restoration as to why the

petitioner was prevented on the day when the writ petition was dismissed for default and also considering the settled principle that substantive justice should not suffer for procedural latches even, if any, the objection of the respondent no.6 stands overruled.

The order dated August 11, 2016 stands recalled.

The writ petition **WPA 1442 of 2011** stands restored to its original file with number along with all its connected application.

IA No. CAN 2 of 2016 (CAN 9057 of 2016) stands **allowed**, without any order as to costs.

(Aniruddha Roy, J.)