

S/L 3
16.01.2025
Court. No. 551
Suwayan

**CAN 1 of 2024
With
CAN 2 of 2024
In
WPA 7587 of 2003**

**Prosanto Bhawal @ P. Bhawal
Vs.
Union of India & Ors.**

*Dr. Madhusudan Saha Ray
Mr. Debanjan Mukherjee*

...for the petitioner.

Mr. Dibashis Basu

...for the respondents.

In Re: CAN 2 of 2024

1. The affidavit-of-service as filed today is taken on record.
2. This is an application for condonation of delay of 2750 days in filing CAN 1 of 2024 which is an application for restoration of WPA 7587 of 2003.
3. On perusal of the entire materials as placed before this Court it reveals that WPA 7587 of 2003 was dismissed for default on January 13, 2016 by a co-ordinate Bench of this Court.
4. In course of hearing learned Advocate for the writ petitioner at the very outset draws attention of this Court to paragraph Nos. 3, 4 and 5 of the instant application that is the application for condonation of delay. It is contended that the writ petitioner approached his erstwhile Advocate on a number of occasions to ascertain the stage of the instant writ petition but erstwhile learned Advocate for the writ

petitioner never communicated anything with regard to the progress of the instant writ petition.

5. It is submitted further that soon after the outbreak of Covid the said erstwhile Advocate of the writ petitioner died in the year 2023 and then the writ petitioner approached his present Advocate along with his brief which was misplaced at his erstwhile Advocate's chamber and hence the delay.
6. Prayer is opposed on behalf of the respondents/Union of India and its functionaries.
7. On perusal of the entire materials as placed before this Court it appears to this Court that the writ petitioner has made a futile attempt to justify the delay in filing the present application which is in considered view of this Court is not at all acceptable. This Court further considers that the writ petitioner has miserably failed to explain the delay in filing the instant application. The cause shown in filing the application after 2750 days is not at all *bona fide*.
8. In view of such, this Court finds no merit in the instant application for condonation of delay.
9. Accordingly, the interim application being CAN 2 of 2024 is dismissed.
10. Consequently, interim application being CAN 1 of 2024 is also dismissed.

(Partha Sarathi Sen, J.)