

14.12.2021
Item No. 11
Crt.No.11
b.r.

FMA 1240 of 2021
with
IA No. CAN 1 of 2021

Jiban Krishna Poddar
Vs.
The State of West Bengal & Ors.
(Via video conference)

Mr. Debabrata Saha Roy
Mr. Subhankar Das
Mr. Neil Basu
..... for the appellant.

Mr. Sushovan Sengupta
Mr. Subir Pal
.....For the State.

Party/parties is/are represented in the order of
their name/names as printed above in the cause title.

The Hon'ble Single Bench by a short Order dated
24th of March, 2021, *inter alia*, recorded that the writ
petitioner/the present appellant does not wish to proceed
with the writ application.

Accordingly, the writ application stood dismissed as
withdrawn without any liberty to file afresh on the self-
same cause of action.

Learned Counsel for the appellant submits that by
a previous order dated 22nd of March, 2021 in the writ
petition, the Hon'ble Single Bench heard the matter and

permitted the parties to conclude their arguments on the next date. It is thus submitted that although the writ petitioner/the present appellant wanted to proceed with the hearing, the Hon'ble Single Bench could not appreciate such stand and recorded the order of dismissal as withdrawn.

The appellant submits that he intends to proceed on merits with the hearing of the writ petition.

The State is represented by Mr. Sengupta, Learned Counsel assisted by Mr. Subir Pal, Learned Advocate.

Having patiently heard the parties and considering the materials placed at this stage, the appellant/the writ petitioner is permitted to renew his prayer for recall of the order of dismissal as withdrawn before the Hon'ble Single Bench and seek leave to pursue his remedy purely on merits in the writ petition.

No further orders are necessary.

FMA 1240 of 2021 along with the connected application being **CAN 1 of 2021** stand thus **disposed of.**

In view of the order passed above, no affidavits are necessary. Since Affidavits are not invited, allegations made in this appeal are deemed to be denied and disputed.

All parties shall act in terms of a copy of the order downloaded from the official website of this Court.

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

(Krishna Rao, J.)

(Subrata Talukdar, J.)