

21.4. 2025  
item No.15  
n.b.  
ct. no. 24

**WPA 22637 of 2007**

**with**  
**IA CAN 1 of 2024**  
**+**  
**CAN 2 of 2024**

**Pushpendu Naskar**

**Vs.**

**The Sub-Divisional Controller, Food & Supply & Ors.**

Mr. Manoranjan Jana,  
Ms. Mitali Jana,  
..... for the petitioner.

**In Re. CAN 1 of 2024**  
**CAN 2 of 2024**

CAN 1 of 2024 is an application for restoration of writ petition being WPA 22637 of 2007, which was dismissed for default vide an order dated August 6, 2021.

CAN 2 of 2024 is an application under Section 5 of Limitation Act for condonation of delay about three years three months and three days for filing application being CAN 1 of 2024.

Both the applications were served upon the respondents/opposite parties.

Despite service none appears on behalf of the opposite parties.

Learned counsel for the petitioner submits that the present petitioner was not aware about the facts of disposal writ petition. He engaged one advocate namely,

Dipankar Bose to conduct this matter. The petitioner wants to contact with the learned counsel Mr. Bose. But ultimately came to know that his writ petition was dismissed for default for the first time on June 6, 2024.

It is the contention of the learned counsel for the petitioner that engaged Advocate Mr. Dipankar Bose never inform the matter to the petitioner. Thus, the instant application for restoration was field in delay. He submits that there are some important questions of law involved in this matter. So, the writ petition required to be restored.

Having heard learned counsel for the petitioner, it appears that the instant writ petition was filed on October 8, 2007, thereafter, in the months of November and December of 2007, the matter appears twice. None appears on behalf of the petitioner. In the year 2021 the matter was again appeared before the Court when the State respondent was represented through learned counsel but the petitioner was not there. Ultimately, on August 6, 2021 the matter was dismissed for default for none appearance of the petitioner. It appears that the petitioner has only placed the entire burden upon the learned counsel for the petitioner, who was alleged to have been not diligent to do the matters. But it appears that the petitioner also was not interested since filing this matter. However, there are not considerable reasons to believe that the petitioner was diligent; only

in the November 2022, he filed the separate writ petition being WPA 24190 of 2024 on the self-same issue. This Court disposed of the writ petition directing the petitioner to take appropriate application for restoring the instant writ petition. By disposing the writ petition (being No. 24190 of 2024), this Court has not given any leave to the petitioner regarding the condonation of delay etc.

Having heard and considering the matters, it appears to me that the grounds for condonation of delay appears to me not justified. Thus, this Court cannot accept the explanation for delay as mentioned in CAN 2 of 2024 of filing the application as petitioner was not diligently to do the matter since 2007.

Accordingly, CAN 2 of 2024 is considered and rejected.

Accordingly, CAN 1 of 2024 for restoration of the writ petition is also turned down as barred by limitation.

Both the applications are disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**( Subhendu Samanta, J.)**