

Court No. 22

28.3.2024

(Item No. 42)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 12541 of 2003

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CAN 2 of 2024

+

CAN 3 of 2024

Jatal Chandra Mahato

VS

The State of West Bengal & Ors.

Ms. Kaberi Ghosh Dey

..... for the petitioner

Mr. Gourav Das

.... For the State

Ms. Koyeli Bhattacharyya

.... For WBBSE

Affidavit of service filed in Court today is taken on record.

In Re: **CAN 3 of 2024**

This is an application seeking condonation of delay for about **647 days** in applying for restoration of a writ petition.

Ms. Kaberi Ghosh Dey, learned counsel appears for the petitioner/applicant.

Ms. Koyeli Bhattacharyya, learned counsel appears for respondent No. 4.

Mr. Gourav Das, learned counsel appears for respondent Nos. 1 to 3.

Upon considering the submissions made on behalf of the parties and after considering the averments made in the application it appears to this Court that, sufficient ground has been made out as to why the petitioner was prevented from applying for the restoration of the writ petition in time.

Inasmuch as, for procedural laches substantive justice shall not suffer.

Considering the above, the delay stands condoned subject to payment of cost of **Rs.2,000/-** to

be paid to the **benevolent fund of the Bar Association, High Court, Calcutta** within **fifteen days** from date.

Accordingly, the application being **CAN 3 of 2024** stands allowed subject to the above condition.

In Re: **CAN 2 of 2024**

This is an application for restoration of a writ petition which was dismissed for default on **March 11, 2022** and the restoration application was filed on or about **January 17, 2024**.

Sufficient cause being made out in the said application and in view of the direction already made by this Court in **CAN 3 of 2024**, subject to payment of cost as directed therein the order of dismissal dated **March 11, 2022** stands recalled. The writ petition stands restored to its original file with number.

Accordingly, the application being **CAN 2 of 2024** stands allowed subject to condition as indicated above.

(Aniruddha Roy, J.)