

21.12. 2023
item No.24
n.b.
ct. no. 25

WPA 16024 of 2004

With
IA No. CAN 1 of 2023
+
CAN 2 of 2023

Abhijit Mondal
Vs.
The State of West Bengal & Ors.

Mr. Prahlad Chandra Ghosh,
Mr. Sukumar Sarkar,
.....for the petitioner.
Mr. Prasanta Kumar Giri
.....for the state.

In Re. CAN 2 of 2023

This application has been filed seeking condonation of delay in filing the application for restoration being CAN 1 of 2023.

Heard learned counsel and perused the application. I am satisfied that there was sufficient cause which prevented the petitioner in filing the application for restoration within the prescribed period. Accordingly, the application being CAN 2 of 2023 is allowed. The delay is condoned. The application being CAN 1 of 2023 is admitted.

In Re. CAN 1 of 2023

Heard learned counsel appearing for the petitioner and perused the application. I have considered the cause shown towards the absence of the petitioner on April 5,

2022 in court when the matter was taken up for hearing and the cause appears to me to be satisfactory. In view thereof, the application being CAN 1 of 2023 is allowed.

Let the order dated April 5, 2022 passed in W.P. 16024 of 2004 is recalled and the writ petition being W.P. 16024 of 2004 is restored to its original file and number.

Mr. Ghosh, learned counsel appearing for the petitioner draws my attention to the order dated January 9, 2004 and prays for reinstatement of the interim order passed on that day in this writ petition.

Mr. Giri, learned counsel appearing for the State did not raise any objection. Accordingly, upon consent of the parties, the interim order passed by this Court on January 9, 2004 is reinstated and it is further ordered that interim order shall continue till the disposal of the writ petition.

Time to file affidavit-in-opposition to the writ petition is extended till 2nd weeks after the ensuing winter vacation. Reply, if any, thereto be filed within a week thereafter.

Liberty is given to the petitioner to mention the writ petition for its enlistment after exchange of affidavit by the parties.

(Partha Sarathi Chatterjee, J.)