

24.7.2024
ct.35, sl. 13
sk

WPA 3195 of 2018
(CAN 3/2023)

Mousumi Chakraborty-vs-State of West Bengal & Ors.

Mr. Ujjal Ray
Sk. Abdur Rahim
...for the petitioner.

Dr. Sutanu Kr. Patra
Mr. Supriya Dubey
.....for the State.

The applicant/writ petitioner seeks to move CAN 1 of 2023 to pry for an order of recalling this Court's earlier order dated 16th January, 2023. The Court dismissed the petitioner's application being CAN 1 of 2018, by dint of the said order.

CAN 1 of 2018 was filed by the petitioner seeking restoration of the writ petition being WPA No. 3195 of 2018, which was dismissed for default by the Court vide order dated 9th July, 2018.

The learned advocate for the petitioner as well as the respondent appear. It is submitted that on both the occasions, due to bonafide and unintentional laches on the part of the law clerks dealing with the matter, the petitioner could not have been represented before the Court.

It is submitted that the reasons as aforesaid were beyond the control of the writ petitioner and the writ petitioner otherwise has a fair chance to succeed in this case.

Considering the above, it is directed that the order of this Court dated 16th February, 2023 as well as 5th July, 2018 are recalled.

The writ petition being WPA No. 3195 of 2018 is restored to its original file and number.

Since it is an old matter, let the time for filing affidavit-in-opposition be extended till 31st July, 2024; affidavit-in-reply thereto, if any, be filed within one week thereafter.

Let this matter appear on 12th August, 2024 under the heading “Hearing”.

(Rai Chattopadhyay, J.)