

S/L 29
04.04.2025
Court. No. 236
Sourav

WPA 3169 of 2007
With
CAN 2 of 2025
With
CAN 3 of 2025

Karan Singh
Vs.
Union of India & Ors.

Ms. Sharbani Chakrabarty

...for the petitioner.

Mr. Pinaki Bhattacharyya

...for the Union of India.

In Re: CAN 3 of 2025

1. This is an application for condonation of delay of 518 days in filing CAN 2 of 2025 which is an application for recalling of the order dated 04.08.2023.
2. In course of her submission, Ms. Chakrabarty, learned advocate for the writ petitioner who appears in virtual mode submits before this Court that the petitioner is a resident of Haryana and in connection with WPA 3169 of 2007 he engaged a lawyer in Kolkata.
3. It is further submitted by Ms. Chakrabarty that the petitioner lost contact with the advocate on record of the writ petitioner since the said advocate on record was not available over phone and as a result whereof, the writ petitioner was not aware that WPA 3169 of 2007 was dismissed for default on 04.08.2023 and after engaging an advocate, he came to learn about the fate of the said writ petition and hence the delay.
4. Prayer is opposed on behalf of the respondents i.e., the Union of India and its functionaries.

5. It is submitted that no plausible explanation has been given on behalf of the writ petitioner for delayed filing of the interlocutory application being CAN 2 of 2025.
6. On careful consideration of the entire materials as placed before this Court, this Court is of considered view that the writ petitioner is successful in explaining the delay in filing CAN 2 of 2025.
7. Accordingly, the application being CAN 3 of 2025 is hereby allowed.
8. Consequently, the delay in filing CAN 2 of 2025 is hereby condoned.
9. Accordingly, the application being **CAN 3 of 2025** is disposed of.

In Re: CAN 2 of 2025

1. This is an application for recalling of the order of dismissal as passed on 04.08.2023 in connection with WPA 3169 of 2007.
2. Ms. Chakrabarty, learned advocate appearing on behalf of the writ petitioner submits before this Court that for the reasons stated hereinabove, the writ petitioner could not appear before this Court when WPA 3169 of 2007 was called for hearing and on the said day, his lawyer was also not present since the petitioner had lost all his contact with the said advocate on record upon whom the writ petitioner relied much.
3. Prayer is opposed on behalf of the respondents/Union of India and its functionaries.
4. On careful consideration of the entire materials as placed before this Court, this Court is of considered

view that the writ petitioner is successful in showing the cogent reasons for his non-appearance on 04.08.2023.

5. Accordingly, the application being CAN **2 of 2025** is hereby allowed and disposed of.
6. Consequently, the order of dismissal as passed on 04.08.2023 in WPA 3169 of 2007 is hereby recalled.
7. Consequently, WPA 3169 of 2007 is restored to its original file and number.

In Re: WPA 3169 of 2007

1. On perusal of the entire file of papers, it reveals that the respondents have filed their affidavit-in-opposition.
2. Learned advocate for the writ petitioner submits before this Court that his client intends to file affidavit-in-reply.
3. Affidavit-in-reply is to be filed within 14 working days from today in the department after serving a copy of the same to the learned advocate for the respondents.
4. Department is directed to tag the said affidavit-in-reply with the instant file.
5. Let the matter be listed on April 30, 2025 under the same heading.

(Partha Sarathi Sen, J.)