

2.1.2025
Ct. 39
Sl.no.5
samarpita

IN THE HIGH COURT AT CALCUTTA

**CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**WPA 11921 of 2018
CAN 1/2023, CAN 2/2024
CAN 3/2024
Gita Pal & Ors.**

-Vs-

State of West Bengal & Ors.

Mr. Amit Chowdhury,
Mr. Rajesh Kshetry,
Mr. Aveek Das

... for the petitioners

Mr. Satyajit Talukder,
Mr. Arindom Chatterjee

.. for the respondent Nos. 4,5,7 & 8

Mr. Soumitra Bandyopadhyay,
Mr. Aniruddha Sen

..for the State-respondents

Affidavit-of-service filed by the petitioners is
taken on record.

CAN 1 of 2023

This is an application for restoration of the writ
petition upon condonation of delay.

Learned advocate for the petitioners intends not
to press the application since separate applications
are filed for restoration and condonation.

Accordingly, the application being **CAN 1 of
2023** is dismissed as not pressed.

CAN 3 of 2024

This is an application for condonation of delay in filing the restoration application.

Mr. Amit Chowdhury, learned advocate appearing on behalf of the petitioners submit that at the stage of hearing, since the petitioners failed to appear, the writ petition was dismissed for default. Be that as it may, the petitioners were not informed that the matter was running in the warning list and accordingly, failed to contact with their learned advocate. Thereafter the petitioners in the first week of July, 2024 contacted his learned advocate and steps were taken, resulting in delay of 585 days in filing the application. He seeks for condonation of such delay.

Mr. Satyajit Talukder, learned advocate appearing for the respondent nos. 4, 5, 7 & 8 and Mr. Aniruddha Sen, learned advocate for the State-respondents submit that the cause shown in the application for condonation of delay is insufficient and as such the application should be dismissed.

On going through the averments made in the application and more so bearing in mind that the matter got dismissed at a stage when it was being taken up for final hearing, the cause shown is found to be sufficient for condonation of delay. Accordingly, the delay of 585 days in filing the restoration application stands condoned.

The application being **CAN 3 of 2024** stands allowed and disposed of.

CAN 2 of 2024

This is an application for restoration of the writ petition dismissed for default on 9th February, 2023.

Mr. Amit Chowdhury, learned advocate appearing on behalf of the petitioners submit that at the stage of hearing, since the petitioners failed to appear, the writ petition was dismissed for default. Be that as it may, the petitioners were not informed that the matter was running in the warning list and accordingly, failed to contact with their learned advocate, resulting in dismissal of the writ petition. He seeks for restoration of the writ petition.

Learned advocates for the respondent nos. 4, 5, 7 & 8 and State-respondents submit that the cause shown in the application for restoration is insufficient and as such the application should be dismissed.

On going through the averments made in the application and more so bearing in mind that the matter got dismissed at a stage when it was being taken up for final hearing, the cause shown is found to be sufficient for restoration of the writ petition.

Accordingly, the order dated 9th February, 2023 is hereby recalled.

The writ petition is restored to its original file and number.

The application being **CAN 2 of 2024** stands allowed and disposed of.

WPA 11921 of 2018

List this matter on **21st January, 2025** under the heading **“Hearing”**.

(**Bivas Pattanayak, J.**)