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jdt.

15.12.2023
jb.

W.P.A. 17878 of 2022
(CAN 1 of 2023 and CAN 2 of 2023)

Mr. Arindam Banerjee
Ms. Sinthia Bala
.... For the Applicant-Petitioner

Mr. Chandi Charan De
Mr. Sadhan Kr. Halder
.... For the State
Mr. Rejaul Alam
Mr. R. K. Sain
.... For the Respondent No. 13

Re: CAN 1 of 2023

Affidavit of service filed on behalf of the applicant-petitioner is taken on record.

Good grounds being shown, the delay in filing the application being CAN 2 of 2023 is condoned.

The application being CAN 1 of 2023 is allowed.

Re: CAN 2 of 2023

The applicant-petitioner seeks recalling of the order dated February 2, 2023 passed in WPA 17878 of 2022.

The order is set out:

“Affidavit of service filed by the petitioner is taken on record.

Learned counsel for the petitioner seeks to withdraw the writ petition and take necessary steps before the appropriate forum.

In view of the above, the writ petition being WPA 17878 of 2022 is dismissed for non-prosecution.

There shall however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.”

Since the writ petition was dismissed for non-prosecution on the ground that the petitioner sought to withdraw the writ petition and take necessary steps before the appropriate forum, there is no scope for recalling the said order at this stage.

In view of the above, CAN 2 of 2023 seeking recall of the order is dismissed.

However, the petitioner is at liberty to take necessary steps for filing a fresh proceeding before the appropriate forum in accordance with law, if situation so arises.

(Suvra Ghosh, J.)