

17.01.2025

Ct. no.39

Sl. Nos.4

SS

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)**

WPA 19663 of 2014

CAN 1 of 2024

CAN 2 of 2024

Nepal Chandra Ghosh & ors.

Vs.

State of West Bengal & Ors.

Mr. Amit Chowdhury

Mr. Aveek Das

Mr. Rajesh Kshetry

Ms. Sanjukta Das

... for the applicants/petitioners

Mr. Lalit Mohan Mahata, Ld. AGP

Mr. Ziaul Haque

... for the State

Re : CAN 2 of 2024

Affidavit of service filed on behalf of the applicants/petitioners is taken on record.

This is an application under Section 5 of the Limitation Act for condonation of delay in filing the restoration application.

Mr. Amit Chowdhury, learned Advocate appearing on behalf of the applicants submits that the matter was running in the warning list from 25th July, 2023. The clerk of the learned Advocate on record failed to inform the petitioners or their learned Advocate and as such when the matter was called on it was unattended. The petitioners contacted their learned Advocates in the 1st week of July, 2024 and came to learn of the order of dismissal. For such reason there is delay of 407 days. He seeks for condonation of delay.

Mr. Ziaul Haque, learned Advocate for the State-respondents leaves the matter to the discretion of the Court.

On perusal of the averments made in the application it is found that sufficient cause has been shown to condone the delay of 407 days.

Accordingly, such delay in filing the application for restoration stands condoned.

Accordingly, the application being **CAN 2 of 2024** stands allowed.

Re: CAN 1 of 2024

This is an application for restoration of the writ petition.

Considering the submissions made on behalf of the applicants/petitioners and on going through the averments made in the application, the cause shown is sufficient. The order of dismissal dated 30th August, 2023 is hereby recalled.

The application being **CAN 1 of 2024** stands allowed.

The writ petition being **WPA 19663 of 2014** is restored to its original file and number.

Re : WPA 19663 of 2014

Mr. Ziaul Haque, learned Advocate for the State-respondents seeks extension of time to file affidavit-in-opposition.

Let such affidavit-in-opposition be filed within a period of three weeks from date. Reply thereto, if any, be filed one week thereafter.

Let the matter appear four weeks hence.

(Bivas Pattanayak, J.)