

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

**IA No. CAN/1/2023, CAN/2/2023
in
WPA No. 28585 of 2008**

**Amit Anand
Vs.
State of West Bengal & Ors.**

**For the Petitioner : Mr. K. C. Garg,
Ms. Sunita Agarwal**

**For the State : Ms. Sulagna Bhattacharya,
Ms. Mousumi Banerjee**

Judgement on : 26.06.2023.

Bibek Chaudhuri, J.

Re : CAN/1/2023

CAN/1/2023 is an application for condonation of delay in filing the application for restoration of the writ petition by 305 days. The learned Advocate for the petitioner and the learned Advocate for the State are present. I have heard the learned Advocates for the parties. On careful perusal of the instant application it is found that the petitioner has been able to establish sufficient ground for condonation of delay in filing the application for restoration. Accordingly, the delay in filing the application is allowed and condoned.

Re : CAN/2/2023

This is an application for restoration of WPA 28585/2008. The application is taken up for hearing in presence of the learned Advocates for the petitioner and the State. I have heard the learned Advocates for the parties. It is submitted on behalf of the petitioner that the learned Advocate for the petitioner could not remain present on the date of hearing of the above-mentioned writ petition as he was engaged in some other Court.

Since the writ petition relates to a direction upon the State authority for refund of a sum of money which the petitioner has claimed from the State authority, specially, respondent nos. 2 and 3 which he paid for purchase of a piece of land but the said land in its entirety was not allotted to him, the petitioner has filed the instant writ petition.

Considering the rightful claim of the petitioner the application for restoration of the writ petition is allowed.

The petitioner has filed a copy of the letter stated, *inter alia*, that the Assistant Housing Commissioner – I, West Bengal Housing Board has agreed to repay the amount which the petitioner has paid provided the instant writ petition be withdrawn. Therefore, the petitioner wants to withdraw the instant writ petition. The learned Counsel for the State has raised no objection if the said writ petition was withdrawn. In view of such circumstances, the instant writ petition is disposed of as withdrawn.

The letters submitted by the learned Advocate for the petitioner issued by the Assistant Housing Commissioner – I be kept with the record.

Urgent photostat certified copy of this order, if applied for, be given to the parties on the usual undertakings.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 01.