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09.03.2023
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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**W.P.A. 762 of 2021
With
IA No. CAN 1 of 2022**

**Sri M. Shekhar
-versus
Union of India & Ors.**

**Mr. Arijit Ghosh.
...For the Petitioner.**

**Mr. Sudipto Kumar Mazumdar, DSG
Mr. Ajoy Kumar Singhania.
...For UOI.**

Mr. Arijit Singh, learned advocate submits that the same is a changed brief and he has been presently instructed by the petitioner to appear and represent him before this Court.

It has been submitted that there are certain incurable defects in the writ petition.

Leave has been sought for to withdraw the writ petition and file fresh writ petition on the selfsame cause of action.

From the order-sheet, it appears that the matter was taken up for consideration by the Court on 20th September, 2021 and direction was given for filing affidavit-in-opposition. The same has not been filed till date.

As the petitioner presently intends not to press the writ petition and seeks leave to file fresh writ petition after curing the defects, accordingly, the present writ petition stands dismissed as 'not pressed'.

Leave is granted to the petitioner to file fresh writ petition upon the selfsame cause of action provided the same is permissible in law.

Any steps taken pursuant to the order dated 20th September, 2021 shall not be given effect to by the respondents.

All interim order stands vacated.

The application being IA No. CAN 1 of 2022 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)