

OD-6

ORDER SHEET

WPO/3375/2022

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

RAJARSHI BHATTACHARYA
VERSUS
THE OFFICER-IN-CHARGE, PARK STREET POLICE STATION AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : March 16, 2023.

Appearance:
Mr. S. K. Mal, Adv.
Ms. P. Panja, Adv.

Mr. Amitesh Banerjee, Sr. Adv.
Ms. Ipsita Banerjee, Adv.

The Court: The impugned order which is under challenge in this writ petition is of 5th August, 2022. By the said order, the appeal filed by the petitioner from the order revoking the petitioner's licence was rejected on the ground of Section 18(2) of the Arms Act, 1959 read with Rule 107 of the Arms Rules, 2016 as being beyond the prescribed period of 30 days.

Learned counsel appearing for the petitioner submits that the petitioner came within the window of the series of orders passed by the Supreme Court during the Covid-19 pandemic enlarging the period of limitation in the general and special laws with effect from 15th March, 2020 till 28th March, 2022. Counsel submits that the appeal was filed within this period.

Learned Senior Standing Counsel appearing for the State represents the cause of the State.

Upon hearing counsel appearing for the parties, it appears that the petitioner has a case with regard to the period of limitation since the orders of the Supreme Court made a special relaxation for litigants during the wake of the pandemic to approach Courts and civil fora for adjudication.

WPO/3375/2022 is accordingly allowed by quashing the impugned order of 5th August, 2022. The respondent no.2 being the Deputy Secretary, Government of West Bengal, Home and Hill Affairs Department shall reconsider the matter and come to a reasoned decision within a period of six weeks from date. The petitioner shall be heard by the concerned authority before the reasoned order is passed. A copy of the reasoned order shall be made available to the petitioner within a week from the date on which the reasoned order is passed.

(MOUSHUMI BHATTACHARYA, J.)

bp.