

31.07.2023

**WPA 4817/2021
With
IA No.CAN/1/2022**

**Jiban Krishna Poddar
-Vs-
The State of West Bengal & Ors.**

For the petitioner:

Mr. Ram Anand Agarwal. Adv.,
Ms. Nibedita Pal, Adv.,
Mr. Ananda Gopal Mukherjee, Adv.,
Ms. Sonam Ray, Adv.

For the State:-

Mr. Susovan Sengupta, Adv.,
Mr. Subir Pal, Adv.

The instant writ petition, though fixed for delivery of judgment, was dismissed as withdrawn on 24th March, 2021. The petitioner prefers an appeal being FMA 1240 of 2021 assailing the order of dismissal of the writ petition on 24th March, 2021. The said appeal was registered as FMA 1240 of 2021.

By an order dated 14th December, 2021, while disposing of the appeal, the Division Bench passed the following order:-

“Having patiently heard the parties and considering the materials placed at this stage, the appellant/the writ petitioner is permitted to renew his prayer for recall of the order of dismissal as withdrawn before the Hon’ble Single Bench and seek leave to pursue his remedy purely on merits in the writ petition.”

In terms of the above order passed by the Division Bench in FMA 1240 of 2021, the petitioner files an application for recalling the order dated 24th March, 2021. It is ascertained from the order dated 15th February, 2022 that the aforesaid writ petition

was released from the list by the Hon'ble Amrita Sinha, J. on a finding that the prayer for recalling the order of dismissal ought not to be entertained by the present bench.

By an Administrative order dated 23rd February, 2022 the writ petition was again assigned to the Hon'ble Abhijit Gangopadhyay, J. wherein the petitioner has prayed for renewing the prayer to recall the order of dismissal of the writ petition as withdrawn. However, vide order dated 2nd February, 2022 the prayer of the petitioner was turned down by the Coordinate Bench and the application for recalling the order dated 24th March, 2021 was dismissed without any order as to costs.

Thus, the order of dismissal of the writ application as withdrawn, stands.

In view of such circumstances, the instant writ petition having been dismissed, there is no scope of passing any further order.

(Bibek Chaudhuri, J.)