

S/L 16  
20.03.2025  
Court. No. 551  
*Suwayan*

**CAN 1 of 2025  
In  
CAN 2 of 2025  
With  
WPA 9744 of 2010**

**Malle Boina Raj Kumar  
Vs.  
Union of India & Ors.**

*Mr. Mohinoor Rahaman  
Mr. Iqra Rahaman*

*...for the petitioner.*

*Mr. Swapan Kumar Nandi*

*...for U.O.I.*

**In Re: CAN 1 of 2025 & CAN 2 of 2025**

1. On being asked by this Court Mr. Rahaman, learned Advocate appearing on behalf of the writ petitioner files a receipted copy of letter dated 26.02.2025 wherefrom it reveals that the copies of CAN 1 of 2025 and CAN 2 of 2025 have been served upon the respondents/Union of India.
2. By filing CAN 2 of 2025 the writ petitioner has prayed for condonation of delay of 123 days in filing CAN 1 of 2025 which is an application for restoration by recalling the order of dismissal dated 24.09.2024.
3. On perusal of the petitions under consideration and after hearing the learned Advocate for the writ petitioner and learned Advocate for the respondents/Union of India this Court is satisfied that the present writ petitioner has explained the cause of delay in filing CAN 1 of 2025 within the period of limitation since the writ petitioner resides out of the State and on account of his illness he could

not establish contact with his learned Advocate-on-Record.

4. In the petition being CAN 1 of 2025 which is an application for recalling the order dated 24.09.2024 it has been stated by the writ petitioner that on 24.09.2024 learned Advocate for the writ petitioner had fallen sick and for the said reason he could not come to Court on the said day when the writ petition was taken up for hearing.
5. This Court considers that the writ petitioner has also explained the reason as to what prevented him and/or his learned Advocate to appear on 24.09.2024 before a co-ordinate Bench.
6. Accordingly, the delay in filing CAN 1 of 2025 is hereby condoned.
7. Consequently, CAN 2 of 2025 is allowed and disposed of. For the reason as discussed hereinabove CAN 1 of 2025 is also allowed.
8. Consequently, the order of dismissal dated 24.09.2024 as passed in WPA 9744 of 2010 is hereby recalled.
9. Consequently, WPA 9744 of 2010 is restored to its original file and number.

**In Re: WPA 9744 of 2010**

Since exchange of affidavits are completed, let the matter be listed on April 3, 2025 under the heading “For Hearing”.

**(Partha Sarathi Sen, J.)**