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19.03.2024
Ct. No. 15
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W.P.A. 10745 of 2009
IA No. CAN 1 of 2022

Palatak Ghosh
Vs.
Union of India & Ors.

Mr. Farook M. Razack
Mr. Navin Barik
Mr. Sayan De
Ms. Esha Acharya
Mr. Sayan Kanjilal
...for the petitioner

The writ petition along with an application being CAN 1 of 2022 are taken up for consideration in presence of the learned advocate representing the petitioner.

Mr. Farook M. Razack, learned senior advocate appears for the petitioner and submits that in view of the order passed by the adjudicating authority on 23rd September, 2009 the writ petition has become infructuous and the petitioner is not willing to proceed with the matter since there is a statutory provision to prefer appeal against the order dated 23rd September, 2009 before the appellate authority.

However, no one appears on behalf of the respondents today.

In view of the submission made on behalf of the petitioner and the order passed by the adjudicating authority dated 23rd September, 2009 the writ petition stands dismissed on the ground of non-prosecution.

However, this order shall not preclude the petitioner to prefer appeal against the order dated 23rd September, 2009 before the appellate authority. At the time of hearing appeal the appellate authority shall consider the application for

condonation of delay in view of death of the learned advocate of the petitioner.

Aforesaid application stands disposed of.

Interim order, if any passed, stands vacated.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)