

30.9.2024
ct.25, sl. 14
sk

WPA 13994 of 2013
(CAN 1/2024, CAN 2/2024)

Birendranath Ray
Vs
State of West Bengal & Ors.

Mr. U.K.Jana
Mr. A. Sana
...for the petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Mrinal Kanti Ghosh
.....for the State.

The applicant has filed two applications i.e. CAN 2 of 2024, which is for an order to condone the delay in filing CAN 1/2024, of 681 days.

The other application is CAN 1/2024 to pray for an order recalling this Court's earlier order dated August 24, 2022 by dint of which the writ petition was dismissed for default and restoring the Writ Petition No. 13994 of 2013 in its original file.

Mr. Jana learned advocate for the applicant as well as Mr. Vaisya, learned advocate for the State appear.

Objections have been raised on behalf of the State respondent, as to the prayer of the applicant as above.

Considered the submissions and perused the records.

Finding the reasons shown in the application as mentioned above to be sufficient, the Court allows both the applications being CAN 2/2024 and CAN 1/2024.

Hence, the delay of 681 days in filing CAN 1/2024 is condoned.

Earlier order of this Court dated August 24, 2022 is recalled.

Let the Writ Petition being WPA No. 13994/2013 be restored in its original file and number.

At this juncture, Mr. Jana learned advocate, appearing for the petitioner, seeks to filing supplementary affidavit.

Leave is granted.

Let a supplementary affidavit be filed within one week from this date and copy be served.

Let this matter appear in the list under the heading “Adjourned Hearing” after the ensuing puja vacation.

(Rai Chattopadhyay, J.)