

S/L 3
24.11.2025
Court. No. 25
suvayan

CAN 1 of 2025
With
CAN 2 of 2025
In
WPA 15518 of 2023
Sri Bibhas Mondal & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Abhishek Biswas

...for the petitioners.

Mr. B. P. Vaisya

Mr. Nilay Baran Mandal

...for the respondent nos. 3 and 4.

1. The petitioners have filed the present application being CAN 1 of 2025 praying for recalling of the order dated October 7, 2024 wherein this Court has dismissed the writ petition for default for non-appearance of the writ petitioners. In paragraph no. 3 of the order dated October 7, 2024 this Court has also observed that “From the perusal of the documents, it appears that the petitioner is claiming a time barred outstanding amount due as on 31.03.2017”.
2. Today when the application is taken up for hearing, this Court finds that the authority that is Team Leader, HIMUL Audit Team had issued a notice to the petitioners on September 12, 2017 requesting the petitioners to attend the office on 11.00 a.m. on September 20, 2017 to verify their respective balance as on March 31, 2017. In the said notice it was also noted that no claim will be entertained after the abovementioned dated.
3. The petitioners have not mentioned in the writ application what has happened the notice issued by the

authority on September 12, 2017. After September 12, 2017 only on February 20, 2023, that is after the period of more than five years the petitioners have issued a legal notice calling upon the authorities for making payment failing which the petitioners will take appropriate legal action.

4. Learned counsel for the respondent nos. 3 and 4 draws attention of this Court to the representation dated February 20, 2023 submits that the said notice have been addressed to five of the officials but none of the officials have not been made party in the writ application.
5. Considering the submission made by the learned counsel for the parties perused the materials on record and the order dated October 7, 2024, this Court finds that though this Court has dismissed the writ petition for non-appearance of the writ petitioners as dismissed for default but it was also observed that the claim of the petitioners is time barred.
6. This Court also considered the document and finds that the claim made by the petitioners in the writ petition is barred by limitation thus no purpose would be served by restoring the writ application.
7. Accordingly, this Court did not find any reason to recall the order dated October 7, 2024.
8. Accordingly, CAN 1 of 2025 and CAN 2 of 2025 are dismissed.

(Krishna Rao, J.)