

Court No. 2
11.11.2024
(Item No. 30)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 26102 of 2024

Sk. Md. Jahangir
VS
The State of West Bengal & Ors.

Ms. Manika Sarkar
.... For the petitioner
Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
.... For the State

Ms. Manika Sarkar, learned advocate appears
for the petitioner.

Mr. Soumitra Bandyopadhyay, learned counsel
with Mr. Priyabrata Batabyal, learned counsel appears
for the State respondents.

Learned counsel for the petitioner on
instruction prays for withdrawal of this writ petition
since there is some formal defects in it with a leave to
file afresh with the self-same cause of action.

Mr. Soumitra Bandyopadhyay, learned State
counsel referring to the averments made in **paragraph**
53 to this writ petition submits that in view of the
said averments, the instant writ petition is not
maintainable. An order dated **November 12, 2018** in
this regard is available at **page 164** to the instant writ
petition.

Be that as it may, on the basis of the
submissions made by Ms. Manika Sarkar, learned
advocate appearing for the petitioner, this writ

petition **W.P.A. 26102 of 2024** stands **dismissed** as **withdrawn** with liberty to file afresh on the self-same cause of action. However, in the event, a fresh writ petition is filed, the point of maintainability shall be urged first as indicated by the learned State counsel.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)