

7.3.2025

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WPA 27848 of 2016
(CAN 1/2025, CAN 2/2025))
Sukanta Chowdhury & Ors. -vs-The State of West Bengal

Mr. Ashis Kr. Chowdhury
Mr. Rajib Ghosh
Mr. Babhru Bahan Bera
....for the petitioner.

In re: CAN 1 of 2025 and CAN 2/2025.

The applicant has filed CAN 1 of 2025 and CAN 2/2025 to seek an order of the Court for recall of its earlier order dated June 25, 2024 in WPA 27848 of 2016 and restoration of the writ petition as above, in its original file and number and for condonation of delay of 383 days in filing CAN 1/2023 respectively.

By dint of the said order dated June 25, 2024, the Court dismissed the writ petition as above for default.

Learned advocate appearing for the petitioner has also moved CAN 2 of 2025 by dint of which the applicant has prayed for condonation of delay of 209 days in filing CAN 1 of 2023 by the applicant.

The reason as contended therein appears to be inadvertent laches on the part of the learned advocate , who due to his physical indisposition could not follow the list and missed the matter on the relevant date.

Such unintentional and bonafide conduct which resulted into dismissal of the writ petition for default due to the petitioner not being represented, appears to be sufficient.

Hence, it is found proper to allow both the applications as above.

Let CAN 1 of 2025 be allowed thereby condoning the delay of 209 days in filing CAN 2 of 2025.

Let CAN 2 of 2025 be allowed thereby recalling the Court's order dated June 25, 2024 in WPA 27848 of 2016 and restoring the said writ petition in its original file and number.

Having found the grounds pleaded as mentioned above, this Court is inclined to allow the petitioner's prayer of the writ petition.

The applications being CAN 1 of 2025 and CAN 2 of 2025 are disposed of.

Let the matter be listed under the heading "Old Hearing Matters" for further considerations.

(Rai Chattopadhyay, J.)

