

21.03.2025
Court No. 35
Item No.9
Rakib

W.P.A. 3955 of 2015
With
CAN 1 of 2022
Biplab Kumar Chaudhury.
VS
The State of West Bengal & Ors.

Mr. Aniket Mitra,
Mr. Sayan Dutta.
...for the petitioner.
Mr. Suwendu Adak,
Ms. Richa Pramanik.
...for the State.

In Re: CAN 1 of 2022

Learned advocate appearing for the petitioner/applicant submits that because of ill health of advocate on record, the list could not be followed properly and as such all on a sudden the writ petitioner was dismissed for default.

Considering the basic principle that for fault of the lawyer the litigant should not suffer, I am of the view that the writ petition being WPA 3955 of 2015 should be restored to its original file and number.

Accordingly, CAN 1 of 2022 is allowed.

In Re: WPA 3955 of 2015

Affidavit-of-service filed by the petitioner be kept with the record.

Mr. Mitra, learned advocate appears on behalf of the petitioner.

Mr. Adak, learned advocate appears on behalf of the State.

The foundation of the writ petition was for providing adequate police protection and such representation in the original writ petition was dated 18th December, 2014.

Mr. Mitra, learned advocate appearing for the petitioner submits that subsequently representations were filed till 2023 in respect of the insecurity and for providing protection. To that effect three supplementary affidavits have also been filed in the present writ petition.

Having considered the time period which has passed the petitioner is granted liberty to file a fresh representation before the Commissioner of Police Bidhannagar Commissionerate by enclosing all the previous representations. The Commissioner will afford an opportunity of audience to the petitioner and dispose of such representation four weeks from the date of filing of such representation.

With the aforesaid observations WPA 3955 of 2015 is disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)