

Dd 35 08.04.2025

RVW/73/2025
PALLAB MOHAN CHAKRABORTI
VS
THE STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2025, CAN/2/2025,
CAN/3/2025, CAN/4/2025

...
Mr. Pallab Mohan Chakraborti,
... .. appellant-in-person

1. Review applicant seeks review of an order dated November 11, 2024 passed in MAT 2300 of 2023.
2. Review applicant is an advocate by profession.
3. Review applicant appears in person.
4. Review applicant appeared in person on November 11, 2024 also.
5. At the outset, review applicant prays for release of the matter on the ground that review applicant was afraid of conducting the matter before this Court. On query of the Court at to what the applicant was afraid of, the reply of the review applicant is that he was afraid that this Court would dismiss the prayer for review.
6. With respect, we are not in a position to accept such a contention of any litigant for reclusal. A litigant is not entitled to forum shop. A litigant cannot be allowed to choose his Judge. Allowing such a request will allow any litigant to indulge in forum shopping which is not permissible. Moreover, the prayer for reclusal is premised upon the perceived outcome of a matter before a particular Court. Prayer for reclusal is not premised upon any ground

which impedes the Judges to hear and dispose of a matter. Consequently, we are not in a position to accept such a request.

7. CAN 1 of 2025 is an application for condonation of delay in making and filing the review application. Application for condonation of delay does not specify the number of days for delay. Department reports a delay of 91 days in making and filing review application.
8. In response to a query of the Court as to the quantum of delay and the provisions of law which prescribes the quantum of days permitted to file an application for review, review applicant states that he is not aware of the quantum of delay as he is not aware of the provisions of the law which prescribes the period of limitation.
9. Application for condonation of delay is founded on medical condition of the review applicant as also his two children.
10. Medical condition of the review applicant as appearing from the pleadings of the application for condonation of delay is that, the review applicant underwent a surgery in 2022. Medical conditions of the two children do not establish that their conditions were or are such that the review applicant was unable to attend Court subsequent to the order under review. In fact, in response to a query of the Court, review applicant states that, he was attending Court, albeit irregularly since November 11, 2024 and practicing law in the High Court.
11. Consequently, the explanation sought to be advanced by the review applicant for condonation of delay cannot be accepted. He was aware of the

order dated November 11, 2024. He was attending Court as an advocate subsequent to November 11, 2024. Therefore, neither his nor the medical condition of his children which are set forth as reasons for delay, were any impediments for making and filing the application for review within time as he was attending Court subsequent to November 11, 2024.

12. The order of which, the review applicant seeks review is dated November 11, 2024. By such order, the appeal of the review applicant was dismissed. Appeal was directed against the order dated October 5, 2023. Learned Single Judge by the order dated October 5, 2023 dismissed the writ petition of the review applicant. Learned Single Judge noted that the review applicant as the writ petitioner essentially sought declaration that a strip of land in between premises of the review applicant and the private respondent to be a public street. Learned Single Judge found several disputed questions of facts involved in the writ petition which should not be adjudicated upon by a Writ Court. Learned Single Judge noted that evidence is required to be taken to return the declaration as prayed for by the review applicant/writ petitioner. Consequently, learned Single Judge did not grant relief to the review applicant as the writ petitioner.
13. By the order under review, we concurred with the view returned by the learned Single Judge on October 5, 2023. We dismissed the appeal.
14. In such circumstances, we find no merit in the application for condonation of delay.
15. CAN 1 of 2025 is accordingly **dismissed**.

16. In view of the dismissal of CAN 1 of 2025, department will treat CAN 2 of 2025, CAN 3 of 2025 and CAN 4 of 2025 as well as RVW 73 of 2025 to be **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)