

WPLRT/50/2025

**MAHIBAR RAHAMAN AND ORS.
VS
STATE OF WEST BENGAL AND ORS.**

Mr. Rabilal Moitra, Id. Sr. adv.
Mr. Tanmoy Chattopadhyay, Advocate
... ...For the petitioner

Mr. T. M. Siddiqui, AGP, sr. adv.
Mr. Suddadev Adak, Advocate
Mr. Debdooti Dutta, Advocate
... ... For the State

Mr. Gangadhar Das, Advocate
... ... For the respondent nos. 19 & 21

Mr. Malabika Roy Dey, Advocate
... ...For the respondent nos. 3 to 9

1. Affidavit-of-service filed in Court be taken on record.
2. Writ petition is directed against an order dated March 27, 2025 passed in MA 1697 of 2024 in OA 2078 of 2024(LRTT).
3. Learned senior advocate appearing for the writ petitioners submits that, none of the petitioners received any notice of OA 2078 of 2024 excepting the petitioner no. 3 who received the notice subsequent to the order of disposal in OA 2078 of 2024. He submits that, thereafter, the writ petitioners approached the learned tribunal for the purpose of recalling the order of disposal of OA 2078 of 2024. Such application being MA 1697 of

2024 was dismissed by the impugned order, incorrectly.

4. State and the private respondents are represented.
5. In response to a query of the Court, learned advocate for the private respondents submits, in her usual fairness that, notice of the original application was not received by any of the writ petitioners excepting petitioner no. 3 and that too, subsequent to disposal of the original application.
6. In such circumstances, since the petitioners were not heard by the learned tribunal, prior to passing its order on merits in OA 2078 of 2024, it would be appropriate that, the tribunal does so.
7. In such circumstances, we set aside the impugned order dated March 27, 2025 passed in MA 1697 of 2024. Consequently, the order passed in the original application dated September 5, 2024 as subsequently corrected is also set aside. We allow MA 1697 of 2024 and direct OA 2078 of 2024 to be heard and decided on merits.
8. Petitioners will file affidavit-in-opposition to OA 2078 of 2024 within two weeks from date. Reply, if any, one week thereafter.
9. Learned tribunal will, thereafter, proceed to hear and dispose of OA 2078 of 2024 on merits.
10. WPLRT/50/2025 is **disposed of** accordingly without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)