

29.08. 2025
DL.239

Court No.15
Sg

**WPA 30132 of 2024
With
IA. No. CAN 1 of 2025**

**Smt. Mithu Ghosh & Ors.
Vs.
State of West Bengal & Ors.**

Mr. Sukanta Ghosh
Mr. Dilip Kumar Mandal
Mr. Arghya Chatterjee

....for the petitioners.

Mr. Tapas Kumar Dey
Mr. Ashish Kumar Dutta
Mrs. Susmita Mondal

....for respondent no.8.

In Re: CAN 1 of 2025

This is an application for recalling the order dated March 10, 2025. Learned advocate appearing for the applicant/respondent no. 8 in the writ petition submits that the matter was mentioned for upgradation without giving notice. Consequently, respondent no.8 had no opportunity to appear at the time of hearing.

Learned advocate appearing for the writ petitioners, however, denies such allegation. He submits that the matter was not upgraded but was taken up in its regular serial.

It appears that the matter was listed as Item No. 10. Therefore, this Court is inclined to believe that the matter was taken up in its usual course.

Moreover, the averments made in paragraph 8 of the application suggest that the learned advocate appearing for respondent no. 8 could not appear due to illness.

Learned advocate appearing for the applicant/respondent no. 8 further contends that the consideration recorded in the order dated March 10, 2025, with reference to Circular No. 889/UDMA-15011(24)/6/2023-LS-MA SEC, dated December 4, 2023, does not apply to the petitioner, since the demolition order in question was passed in the year 2019.

This, however, is an argument on the merits of the case advanced under the guise of a recalling application. This Court cannot reconsider the merits of the matter in the present proceeding.

Accordingly, CAN 1 of 2025 stands dismissed.

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

(Kausik Chanda, J.)