

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

IA NO. GA/1/2023
IN
WPO/409/2019
RAKESH KUMAR JOSHI
VERSUS
THE STATE OF WEST BENGAL & ORS.

AND

IA NO. GA/2/2023
IN
WPO/409/2019
RAKESH KUMAR JOSHI
VERSUS
THE STATE OF WEST BENGAL & ORS.

BEFORE :
THE HON'BLE JUSTICE RAI CHATTOPADHYAY
Date : 25th March, 2025

APPEARANCE:

Mr. Anjan Bhattacharya, Advocate
Ms. Anita Shaw, Advocate,
..... for the petitioner.

The Court:- There are two applications being GA/1/2023 and GA/2/2023 filed by the applicant writ petitioner to seek condonation of delay of 440 days in filing GA/2/2023 and recall of this Court's order dated July 12, 2022 passed in WPO/409/2019 and restoration of the writ petition in its original file and number, respectively.

Mr. Bhattacharya, learned counsel for the applicant petitioner says that due to inadvertent mistake in following up the daily cause list of the Court, the matter listed on the particular date was omitted by the clerk of the learned advocate appearing for the petitioner. For that reason, at the time of call the petitioner could not have been represented before the Court on the said date. Hence due to non-appearance, the Court dismissed the writ petition on July 12, 2022.

Mr. Bhattacharya appearing for the petitioner submits that the reason as above being beyond control of the petitioner and substantive, the prayers of the applicant vide the applications being GA/1/2023 as well as GA/2/2023 may be allowed.

Copies of the applications have been served upon the opposite party. However, no one is representing the opposite party today when the matter is called on.

In the order dated July 12, 2022, it appears that the Court has dismissed the writ petition being WPO/409/2019 for non-prosecution, after recording that no one was appearing before the Court for any of the parties on the said date.

Since the matter virtually was dismissed for default due to the non-appearance by the parties before the Court and finding the reasons shown for that in the applications as above to be sufficient, the Court finds that the applications as above by the applicant writ petitioner may be allowed.

Hence, it is ordered that GA/1/2023 is allowed thereby condoning the delay of 440 days in filing GA/2/2023 by the applicant petitioner.

It is further ordered that GA/2/2023 is allowed thereby recalling the Court's order dated July 12, 2022 and restoring the writ petition being WPO/409/2019 in its original file and number.

Both the applications being GA/1/2023 and GA/2/2023 are disposed of.

Let this matter be listed on 3rd April, 2025.

Mr. Bhattacharya is requested to serve a notice regarding pendency of this writ petition upon the State respondent, in the meantime.

(RAI CHATTOPADHYAY, J.)