

25.03.2026
Item No.15
Court No.12
CP

FMA 1881 of 2025
with
CAN 1 of 2026

Tarak Chandra Paul
Vs.
The Bongaon Municipality & Ors.

Mr. Partha Sarathi Das
Mrs. Sudipa Das
Mr. A. Chanda
Mrs. Swarnali Ghosh
Mrs. Maria Sharwari

.....for the Appellant.

Mr. Swapan Kr. Datta
Mr. Rajat Dutta

...for the State.

Mr. Sayan Sinha
Mr. Nilanjan Bhattacharya

.....for the respondent no. 2.

The appeal is allowed.

The order impugned is set aside. Non-appearance of the writ petitioner/appellant should have led to dismissal of the writ petition for default. The observation that the writ petitioner is not interested in the matter and as such the writ petition should be dismissed for non-prosecution takes away the right of the appellant/writ petitioner to pray for restoration.

Under such circumstances, the writ petition being WPA 698 of 2024 is restored to its original file and

number and the same shall be heard afresh. The appellant will not pray for unnecessary adjournments.

The connected application being CAN 1 of 2026 is also disposed of.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)