

S/L 4
15.07.2024
Court. No. 551
Sourav

**WPA 15232 of 1993
With
CAN 1 of 2023
With
CAN 2 of 2023
With
CAN 3 of 2023
With
CAN 4 of 2023**

**Shri Pulin Bihari Maity
Vs.
Union of India & Ors.**

*Mr. Ramdulal Manna
Ms. Manju Manna (Dey)
Mr. Sayan Mukherjee*

...for the petitioner.

Ms. Smita Das De

...for the Union of India.

1. The affidavit-of-service as filed today is taken on record.
2. The interim application being CAN 1 of 2023 has been filed for recalling the order of dismissal dated June 26, 2013 with a further prayer for restoration of the instant writ petition.
3. The interim application being CAN 2 of 2023 has been filed for condoning the delay of 3685 days in filing the restoration application.
4. The interim application being CAN 4 of 2023 has been filed for recording the death of the writ petitioner with a further prayer to substitute the present petitioner, namely, Manju Rani Maity being the widow of the deceased petitioner, Shri Pulin Bihari Maity and the interim application being CAN 3 of 2023 has been filed

for condonation of delay of 3690 days in filing the substitution application.

5. In support of the petitions under consideration, learned advocate for the petitioner submits before this Court that after the death of the original writ petitioner, i.e. the Pulin Bihari Maity (since deceased), the present petitioner being the widow of the original writ petitioner became mentally shattered and she has also lost connection with the learned advocate who has been entrusted for conducting the instant writ petition on behalf of her deceased husband. Learned advocate for the writ petitioner, thus, prays for allowing all the aforementioned four interim applications.
6. While opposing the prayers made by the writ petitioner, the learned advocate for the respondent/Union of India submits before this Court that no explanation has been advanced on the part of the present petitioner with regard to the delay either in filing this substitution application or in filing the restoration application.
7. Learned advocate for the respondent/Union of India thus submits that it is a fit case for dismissal of all the four interim applications.
8. On perusal of the entire materials as placed before this Court, this Court is of the considered view that the present petitioner being the widow of the original writ petitioner is successful in making out a case for explaining the delay both in filing the substitution application as well as in filing the application for restoration.

9. Accordingly, delays as mentioned above are hereby condoned.
10. The interim applications being CAN 2 of 2023 and CAN 3 of 2023 are thus allowed.
11. On perusal of the interim applications being CAN 1 of 2023 and CAN 4 of 2023, it appears to this Court that the present petitioner being the widow of the original writ petitioner is equally successful in making out a case for restoration of the instant writ petition.
12. Accordingly, the order of dismissal as recorded on June 26, 2013 in connection with this case is hereby recalled. The writ petition being WPA 15232 of 1993 is restored to its original file. Accordingly, the interim application being **CAN 1 of 2023** is disposed of.
13. So far as the interim application being CAN 4 of 2023 is concerned, prayer for substitution is also allowed.
14. Department is directed to delete the name of the petitioner i.e., Shri Pulin Bihari Maity from the cause title of the instant writ petition and in its place the name of the present writ petitioner, i.e., Manju Rani Maity be incorporated.
15. The necessary correction is to be carried out by the department within two weeks hence. Accordingly, the interim application being **CAN 4 of 2023** is also disposed of.
16. Let the matter be listed under the heading “**Writ Petition**” on August 7, 2024.
17. Since, the learned advocate for the respondent/Union of India submits before this Court that she has already

filed her composite affidavit-in-opposition as affirmed on October 25, 2023 before the Notary Public, Delhi, liberty is given to the writ petitioner to file affidavit-in-reply on or before the adjourned date. However, an advance copy of the same is to be served upon the learned advocate for the respondent/Union of India positively a week before the adjourned date.

(Partha Sarathi Sen, J.)