

5.3.2025

ct.25, sl.103

& 104, sk

WPA 18518 of 2016
(CAN 1/2020, CAN 2/2024))

Brajendra Nath Naskar -vs-The State of West Bengal & Ors.

with

WPA 11353 of 2016

Mr. Sumouli Sarkar
Mr. Sourajit Mukherjee
Mr. Tirjit Mitra
....for the petitioner.

Mr. Biswabrata Basu Mallick
Mr. Sayan Ganguly
....for the State.

In re: CAN 2 of 2024

CAN 2 of 2024 is an application by the applicant/writ petitioner in WPA 18518 of 2016 to seek an order of the Court for recall of its earlier order dated July 1, 2024 and restoration of the writ petition as above, in its original file and number.

By dint of the said order dated July 1, 2024, the Court dismissed the writ petition as above for default due to absence of the parties.

Ms. Sarkar, learned advocate appearing for the applicant/writ petitioner has submitted that the application as above is filed within the period of limitation and also that the learned advocate for the petitioner could not appear in Court due to her personal difficulty beyond her control.

For the reason as above, the writ petition is dismissed for default for which the petitioner had no role to contribute and should not suffer.

Heard the submissions and perused the records.

The grounds pleaded by the petitioner appear to be substantive and sufficient in order to accept the same and pass an order allowing the present application.

Therefore, the application being CAN 2 of 2024 is allowed thereby recalling the order of this Court in WPA No. WPA 18518 of 2016 dated July 1, 2024 and directing for restoration of the writ petition in its original file and number.

The application being CAN 2 of 2024 is disposed of.

Let the matters be listed under the heading “Old Hearing Matters” on 11.3.2025.

(Rai Chattopadhyay, J.)