

05 11.11.2022  
Sc Ct. no.22

**WPA 15296 OF 2021**  
**with**  
**I.A. No. CAN 1 OF 2022**  
(Application for granting leave)  
**with**  
**I.A. No. CAN 2 OF 2022**  
(Application for early hearing)  
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Banalata Ojha @ Tahera Begam

Vs.

State of West Bengal & Ors.

Mr. Dilip Kumar Samanta

.... For the Petitioner

Affidavit-of-service, filed in Court, is taken on record.

**Re : I.A. No. CAN 2 OF 2022**  
(Application for early hearing)  
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This is an application praying for the following reliefs :

*“(a) To allow the Writ Petition by granting leave in favour of the petitioner by applying the Doctrine of Non-Traverse in view of the non-filing of the Affidavit in Opposition in the matter in terms of the order of the Hon’ble Court dated 07.09.2022 passed in WPA 15296 of 2021 forthwith;*

*(b) And/or to pass such other order or orders as Your Lordships may deem fit and proper.”*

The writ petition was entertained by this Court on September 7, 2022 when direction was made for filing and exchanging affidavits by and between the parties.

Mr. Dilip Kumar Samanta, learned advocate appearing for the applicant/petitioner submits that time to file affidavits had expired long back on September 21,

2022 but no opposition has yet been filed on behalf of the respondents. He also submits that this is a sufficient ground to proceed with the writ petition for its disposal without calling for any affidavit and taking the averments in the writ petition to be correct since the same are not denied by the respondents. He prays for immediate hearing of the writ petition and its disposal.

None appears for the respondents, nor any accommodation has been sought for.

After considering the submissions made by Mr. Samanta, learned advocate appearing for the writ petitioner and upon considering the materials on record, this Court is of the firm view that this application is totally devoid of any merit and does not warrant any order other than its in limine dismissal.

In view of the above, this application **CAN 2 of 2022** stands dismissed, without any order as to costs.

**(Aniruddha Roy, J.)**