

D/L
Item No. 74
17.02.2026
KOLE
266045

**MAT 1315 of 2025
With
CAN 2 of 2025
With
CAN 3 of 2025
With
CAN 4 of 2025
With
CAN 5 of 2025**

**Susmita Roy & Ors.
-Vs.-
State of West Bengal & Ors.**

*Mr. Debasish Chattopadhyay,
Mr. Tirthankar Basu,*

...for the appellants.

*Mr. Sirsanya Bandopadhyay,
Ms. Tapasi Samanta,*

...for the State.

Dictated by Arijit Banerjee, J.:

We have learned Advocates for the parties on the application for leave to appeal.

Mr. Bandyopadhyay, learned Senior Standing Counsel, opposes the application. He says that the substitution application that was filed by the present appellants claiming to be the legal heirs of the original writ petitioner no. 1, was filed seven years after the death of the original writ petitioner no. 1. That application was dismissed for default in the year 2017. A restoration application was filed in the year 2018. The restoration application was never moved before the learned Single Judge. Therefore, as on the date the when the writ application was taken up for hearing, there was no substitution application before the learned Single Judge. The appellants are trying to achieve indirectly

by obtaining leave to appeal what they could not achieve directly before the learned Single Judge.

We have also heard learned Advocate for the appellants. At this stage, accommodation is prayed for on behalf of the appellants.

List the matter once again on 24.02.2026.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)