

02.04.2026
Item No.28
Ct. No.236
KS

W.P.A. 22212 of 2015
With
I.A. No. CAN 1 of 2017 (Old No. CAN 8457 of 2017)
+
I.A. No. CAN 2 of 2025
Lokesh Chandra Halder & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Tapash Kr. Bhattacharya
Mr. Aviroop Bhattacharya
..... For the Petitioners
Mr. Jahar Lal De, Ld. A.G.P.
Mr. Shamim Ul Bari
.....For the State

In Re. I.A. No. CAN 2 of 2025

1. This is an application for condonation of delay of 30 days in filing (I.A. No. CAN 1 of 2017 (Old No. CAN 8457 of 2017), which is an application for recalling of the order dated 04.07.2017.
2. On perusal of the petition under consideration and after hearing the learned counsel for the contending parties, this Court is satisfied that the writ petitioners have successfully explained the delay in filing the application [I.A. No. CAN 1 of 2017 (Old No. CAN 8457 of 2017)].
3. Accordingly, prayer is allowed.

4. Thus, the delay in filing application is hereby condoned.

5. Accordingly, I.A. No. CAN 2 of 2025 is disposed of.

In Re. I.A. No. CAN 1 of 2017 (Old No. CAN 8457 of 2017)

6. This is an application for recalling of the order dated 04.07.2017 when the instant writ petition is dismissed for default.

7. On perusal of the petition under consideration and after hearing the learned counsels for the contending parties, it appears that the writ petitioners have duly explained the reason of their absence on 04.07.2017 when the instant writ petition was called for hearing.

8. Accordingly, such prayer is allowed.

9. Consequently, the order dated 04.07.2017 as passed in W.P.A. No.22212 of 2015 is hereby recalled.

10. Consequently, W.P.A. No.22212 of 2015 is restored to its original file and number.

11. With the aforementioned observation, I.A. No. CAN 1 of 2017 (Old No. CAN No. 8457 of 2017) stands disposed of.

In Re. W.P.A. 22212 of 2015

12. On perusal of the order dated 08.09.2015, as passed by Coordinate Bench of this Hon'ble Court, it reveals that direction was passed for exchange and filing of affidavit within a fortnight.

13. It is submitted at the Bar that due to *bona fide* mistake, such affidavits have not been filed.

14. In view of such, the respondent/State is directed to file Affidavit-in-Opposition positively within four weeks from today after serving advance copy of the same to the learned counsel for the petitioners. Affidavit-in-Reply, if there be any, is to be filed within two weeks thereafter.

15. Let this matter be listed in the Combined Monthly List of June, 2026 under the heading "For Hearing".

(PARTHA SARATHI SEN, J.)