

03.02.2021
SL No.18
Court No.12
(gc)

**MAT 370 of 2020
With
CAN 1 of 2020
(Old No: CAN 2478 of 2020)**

**Akandadanga High Madrasah & Anr.
Vs.
The State of West Bengal & Ors.**

(Via Video Conference)

Ms. Pampa Dey Dhabal,
Mr. Krishna Deo Das,
...for the Appellants.
Mr. T.M. Siddique,
Mr. Shamim Ul Bari,
...for the State Respondent.
Mr. Vivekananda Bose,
Ms. Deblina Chattaraj,
...for the Respondent No.6.
Mr. Sumit Kr. Panja,
Mr. Nadeem Suleiman,
...for the Madrasah Education Board.

This appeal is arising out of an order dated 18th February, 2020. The writ petitioner/appellant No.2 claims to be the Secretary of the appellant No.1 and has filed the writ petition in that capacity which has been disputed by the respondent authorities.

It appears that in a writ petition being WP No.11286 (W) of 2018, a Co-ordinate Bench of this Court has recorded on 8th November, 2019 that Basir Sk. has no authority to represent the Madrasah. This order has never been challenged. Similarly, we find that in another writ petition being WP No.16931 (W) of 2019 a report was filed on 6th September, 2019 before the learned Single Judge wherefrom

it appears that Basir Sk. was not entitled to represent the Madrasah or take out any proceeding on its behalf.

Since successive writ petitions filed on frivolous grounds are contemptuous, the learned Trial Judge dismissed the third petition after taking into consideration the aforesaid facts with costs assessed at Rs.17,000/- to be paid by Basir Sk. to the present Management Committee of the appellant No.1. However, we reduce the costs to Rs.10,000/-. All other directions shall remain unaltered. We make it clear that in future on the self-same cause of action any writ petition is filed and the appellant No.2 fails to demonstrate his right, the Court concerned shall be entitled to impose exemplary costs and no mercy would be shown to the appellants.

The appeal and application, accordingly, stand dismissed.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)