

03.12.2024
Item 41, Ct.2
Sandip

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION**

WPA 271 OF 2022

I.A. NO : CAN 1 OF 2024

CAN 2 OF 2024

Suraj Chhetri & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. Amalesh Ray, Sr. Adv.

Mr. Arijit Ghosh

...for the petitioners.

Mr. Swatarup Banerjee,

Mr. Swarvanu Saha,

Mr. Saptak Sarkar

...for the applicant in CAN 1/2024.

Re: CAN 1 of 2024

Supplementary affidavit to the application filed on behalf of the applicants be kept with the record.

The applicants, by the instant application, have brought to the notice of the Court a serious lapse on part of the registry regarding filing procedure of the matters.

The applicants are alleging that though they have been arrayed as petitioner nos. 2 to 6 in the connected writ petition, but were neither aware of such a petition, nor had ever authorized any advocate to file it.

Mr. Swatarup Banerjee, learned advocate for the applicants submits that the petitioner no.1, with a malafide intention has incorporated the names of the applicants in the cause title of the said writ petition; nonetheless, the learned filing advocate should have been more cautious. He however, in his usual fairness, submits that the lapses on part of the filing advocate may be condoned.

He further submits that the applicants though in the application, have prayed for recalling of the order passed in the connected writ petition on March 01, 2022, but by the supplementary affidavit filed today, have limited their prayer to the extent of deleting their names from the cause title of the said writ petition.

Mr Amalesh Roy, learned senior advocate representing the petitioner no.1 submits that the learned filing advocate has undoubtedly committed an error but such error was devoid of any malafide motive.

Heard the learned counsel for the parties, perused the materials-on-record.

Upon scrutiny of the records, it is found that except the signature of the petitioner no.1, the signature of the other petitioners, i.e. the applicants herein, are absent in the Vakalatnama.

Impleading the applicants as petitioners in the connected writ petition without having their proper authorization is a serious professional flaw on the part of the learned filing advocate. It is rather astonishing as to how these lapses had escaped the notice of the registry.

Serious consequences could have followed, but considering that the learned filing advocate is a junior member of the Bar, and in view of the fair stand of Mr. Banerjee, this Court refrains from stretching the issue any further, but with a caution and expectation that such act would not recur in future.

The names of the applicants arrayed as petitioner nos. 2 to 6 be deleted from the cause title of the connected writ petition; the Department is directed to take appropriate steps in this regard.

To prevent the recurrence of similar situation(s), the Registry is directed to verify the Vakalatnama(s) minutely in each case, and in cases where there are multiple petitioners, production of admissible Government Issued Document(s) of each of the petitioners shall be insisted upon at the time of affirmation and/or filing of the petition(s).

This order be communicated to the members of the Bar and be displayed at appropriate and convenient place(s) of the Court.

CAN 1 of 2024 is disposed of with the above terms and observations without any order as to costs.

Re: W.P.A. 271 of 2022

The writ petition was deliberately filed in a defective form to achieve some unlawful object; as such, WPA 271 of 2022 is dismissed with a direction upon *Mr. Suraj Chhetri*, the present sole petitioner, to pay cost of **Rs. 10,000/- (Rupees Ten Thousand Only)** to the credit of the ***High Court Legal Services Authority*** within a period of **two weeks from date**.

Parties to act on the server copy of this order duly downloaded from the *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)