

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 04.09.2024

DELIVERED ON: 04.09.2024

**CORAM:
THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

**M.A.T. 1449 of 2024
With
I.A.No. CAN 1 of 2024**

**Tapsil Jati Adibasi Praktan
Sainik Krishi Bikash Shilpa Kendra & Anr.
Versus
State of West Bengal & Ors.**

Appearance:-

**Mr. Phatick Chandra Das
Ms. Soma Chowdhury (Bandhu)**

.....For the Appellants

**Mr. Jaydeep Biswas
Mr. Abir Lal Chakraborty
Mr. Kaushik Ghosh**

.....For the Respondent No.7

**Mr. Swapan Banerjee
Ms. Sumita Shaw
Mr. Debottam Das**

.....For the State

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This intra-Court appeal by the writ petitioners is directed against the order dated 9th July, 2024 in W.P.A. No. 8981 of 2024. The writ petition came to be dismissed at the instance of an intervenor viz. Soumen Koley, who has been

impleaded as the respondent no.7 in this appeal, but was not a party in this writ petition.

2. A submission was made on behalf of Soumen Koley that the appellants/writ petitioners have suppressed the pendency of a suit before the City Civil Court at Calcutta in Title Suit No.1722 of 2015, wherein there was a prayer for order of injunction. The learned Writ Court was of the view that the appellants/writ petitioners are guilty of suppression of fact on account of non-mentioning about the pendency of the civil suit and this resulted in the dismissal of the writ petition.
3. Before us, the learned Government counsel has placed the report submitted by the S.I. Of Police, Officer-in-Charge, Sainthia Police Station, District – Birbhum dated 18th August, 2024, on perusal of which it is seen that as against the second appellant herein, several criminal cases are pending. The report is taken on record.
4. It is to be pointed out that in the civil suit, which has been filed by an organisation, which is registered under the West Bengal Societies Registration Act, 1961, which is the 1st plaintiff represented by Soumen Koley, the respondent no.7 herein claiming himself to be the Secretary. The plaintiff no.2 is Soumen Koley and in the said civil suit, the appellant no.2 herein is the defendant no.2. The prayer for injunction was sought for to restrain the appellant no.2 herein to function as the Secretary of the said organisation. This prayer was considered and was rejected by the learned Trial Court by order dated 19th December, 2015.
5. From the impugned order, it appears that this fact was not placed before the learned Writ Court. Apart from that, the impact of the criminal cases, which

are pending against the appellant no.2 has also not been placed before the learned Writ Court.

6. Therefore, we are of the view that the writ petition should be heard and decided afresh after giving opportunity to all the parties to file their affidavits including the report by the authorities. For this purpose, the respondent no.7 herein Soumen Koley is impleaded as the respondent no.7 in W.P.A. No. 8981 of 2024 and the cause title be accordingly amended.
7. In the light of the above, the appeal and the connected application (I.A.No. CAN 1 of 2024) are allowed and the order passed in the writ petition is set aside and the writ petition is restored to the file of the learned Single Bench to be heard and decided afresh.
8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

I agree.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)