

2nd January,
2024
(AK)
18

W.P.A 26714 of 2023

Pritam Majumdar
Vs.
The State of West Bengal and others

Mr. Bikashranjan Bhattacharyya
Mr. Rahul Deb Goenka
Mr. Mainak Singha Barma
Mr. Sourajit Mukherjee
...for the petitioner.

Mr. Sekhar Mustafi
Ms. Mita Bag
...for the State.

Mr. Dipak Kumar Mukherjee
Mr. Rajib Mukherjee
Ms. Shreyasi Bhaduri
...for the respondent no.4.

1. The present writ petition has been preferred by a learned advocate who had appeared for the respondent authorities in certain cases before this court.
2. Learned senior counsel appearing for the petitioner argues that the insistence of the respondent-Municipality for the petitioner to produce copies of Vakalatnama, copies of administrative approvals for appearing in the High Court, etc. are *de hors* the law and in contravention of natural justice.
3. It is further argued that the originals of all the briefs were not handed over to the petitioner with regard

to the matters in which the petitioner had appeared for the respondent-Municipality.

4. Learned counsel appearing for the respondent-Municipality argue that although copies of the respective Vakalatnamas are not insisted upon as such, it is for the petitioner himself to raise his own professional bills.

5. The bills annexed to the writ petition, it is pointed out, were signed by the clerk of the petitioner without disclosing the said clerk's registration number and other details.

6. It is also argued that the certified copies or at least server copies of all the orders of the cases in which the petitioner appeared ought to be produced by the petitioner for the respondent authority to ascertain the veracity of the petitioner's claim of having appeared in the said matters.

7. Moreover, the original briefs and other papers lying with the petitioner are also required to be returned to the respondent-Municipality.

8. Upon a consideration of the refusal of the Municipality annexed at page-44 of the writ petition, it transpires that copies of the respective Vakalatnamas for all the writ petitions is an unwarranted insistence and ought to be waived by the Municipality, as rightly submitted by learned counsel for the Municipality as well.

9. Insofar as copy of administrative approvals for appearing in the High Court for the writ petition are concerned, it is common knowledge, and this court takes judicial notice of the same, that copies of administrative approvals regarding appearance of counsel in each case is mostly not handed over to counsel appearing for authorities.

10. Hence, the insistence of the Municipality on such count is also discounted.

11. Insofar as the insistence of the Municipality on production of certified copies of all orders where the petitioner appeared is concerned, the purpose of justice would be subserved if the petitioner produces server copies of all such orders to substantiate the claim of the petitioner.

12. Insofar as the original papers and briefs with regard to the writ petition in which the petitioner appeared are concerned, it is undoubtedly the incumbent duty of the petitioner to return all papers which were handed over to the petitioner in the first place with regard to the said writ petitions.

13. Accordingly, WPA 26714 of 2023 is disposed of by directing the petitioner to place his bills afresh to the respondent-Municipality by signing the said bills himself.

14. Along with the said bills, the petitioner shall also produce server copies/certified copies of the concerned orders where the petitioner had made appearances.

15. Furthermore, the petitioner shall also return all original papers lying with the petitioner in each of the matters in which the petitioner appeared and regarding which his bills are due, along with his bills.

16. Upon such documents being produced before the respondent-Municipality, the latter shall pay all the due bills of the petitioner within one month from the date of such submission of documents by the petitioner by acting on the server copy of this order without insisting upon prior production of a certified copy of the same.

17. In the event there is any further dispute regarding the quantum of such payments, it will be open to either side to take out appropriate proceedings in that regard without being prejudiced in any manner by the observations made herein.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)