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04.01.2024
Ct.01

W.P.A. (P) 12 of 2023

Donal Lepcha & Ors.

-vs-

State of West Bengal & Ors.

Mr. B. P. Subba,
Mr. T. Kumai

....for the petitioners.

Ms. Priyanka Bhutoria,
Ms. Nibedita Chakraborty

....for the respondent nos.2 & 3.

Mr. Dipanjan Datta

....for the respondent no.4.

Mr. Kunaljit Bhattacharjee,
Ms. Sharmistha Poddar

....for the respondent nos.7 to 9.

We have heard the learned advocates for the parties.

The grievance of the petitioners is that the amounts which were sanctioned under a particular scheme for purpose of house construction or for business have not reached the beneficiaries.

Pursuant to the directions issued by the Court earlier the respondent Bank namely, Bank of Baroda has entered appearance and the learned advocate has produced the bunch of original self cheques which were drawn by 7th respondent association in terms of the authorisation given by the individual beneficiaries and the amounts have been withdrawn.

The learned advocate for the 7th respondent submitted that the amounts payable to the

individual beneficiaries have been disbursed and all the documents to the said effect are in the custody of the 7th respondent association of which the 8th respondent is the President and the 9th respondent is the Advisor.

Let an affidavit be filed on behalf of the 7th respondent affirmed by the 8th respondent clearly setting out all the details with initially confined to the thirty five writ petitioners who are before this Court.

The information shall be furnished in a tabulation form for issuance reference along with affidavits of 7th and 8th respondent shall enclose copies of the relevant documents to prove their stand.

Let an advance copy of the affidavits and the annexures be served upon the learned advocate for the petitioners and the learned advocate appearing for the respondent Bank as well as the other respondents.

The learned advocate for the respondent Bank has handed over a list of transaction details to the learned advocate for the petitioners which are numbing over six thousand.

The learned advocate for the respondent Bank shall also furnish copies of the letters of

authorisation given by the individual beneficiaries permitting opening of the Bank account in the name of the association and operating in the said Bank.

Such copies be furnished to the learned advocate for the petitioners within fifteen days from date.

List the matter on 8th February, 2024.

(T.S. SIVAGNANAM, CHIEF JUSTICE)

(SUPRATIM BHATTACHARYA, J.)