

17.04.2025
Item Nos.2 & 3
PG/KS
Ct. No.1

W.P.A. (P) 526 of 2024
Ongdi Lepcha & Anr.
Versus
Union of India & Ors.
With
W.P.A. (P) 12 of 2023
Donal Lepcha & Ors.
Versus
The State of West Bengal & Ors.

Mr. Saurabh Guha Thakurta
Mr. Dhiman Roy
Mr. A. Sarkar

.....For the Petitioners
in **W.P.A. (P) 526 of 2024**

Mr. B. P. Subba
Ms. Nilanjana Addya
Mr. T. Kumai

.....For the Petitioners
in **W.P.A. (P) 12 of 2023**

Mr. Swapan Banerjee, Ld. A.G.P.
Mrs. Sumita Shaw
Mr. Soumen Chatterjee

.....For the State
in **W.P.A. (P) 526 of 2024**

Mr. Jahar Lal De, Ld. A.G.P.
Ms. Debarati Sen (Bose)

.....For the State
in **W.P.A. (P) 12 of 2023**

Mr. Souvik Nandi, Sr. Adv.
Mr. Tapan Bhanja

.....For the U.O.I.
in **W.P.A. (P) 526 of 2024**

Mr. Dipanjan Datta

.....For the Bank of Baroda
in **W.P.A. (P) 526 of 2024**

&

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

Mr. Kunaljit Bhattacharya
Mr. Rohan Bavishi

.....For the Respondent Nos.7 to 9
in **W.P.A. (P) 12 of 2023**

1. We have heard the learned advocates appearing for the parties.
2. There are two writ petitions and the earlier writ petition being, W.P.A. (P) 12 of 2023 in which an order was passed

on 4th January, 2024 directing the respondent no.7 viz. the Indigenous Lepcha Tribal Association to file an affidavit to be affirmed by the respondent no.8, who is the President of the Association clearly setting out all details initially confining the affidavit to the 35 writ petitioners, who were before this Court.

3. Subsequently, another writ petition was filed in W.P.A. (P) 526 of 2024, which was directed to be tagged along with W.P.A. (P) 12 of 2023 by an order dated 20th March, 2025. The relief sought for in the second writ petition is more or less identical. However, the learned advocate appearing for the petitioners would submit that they have sought for a larger relief.
4. For the time being, we shall consider the affidavit, which was directed to be filed by the respondent no.7 to be affirmed by the respondent no.8. It is more than one year and till date, the affidavit has not been filed.
5. Learned advocate appearing for the respondent nos.7 and 8 in W.P.A.(P) 12 of 2023 submitted that Mr. Kunaljit Bhattacharya, learned advocate appearing for the said respondents, who is indisposed and cannot appear today before the Court and adjournment is sought for. The request for adjournment can be considered but, we find no acceptable reason being placed before this Court as to why the respondent nos.7 and 8 have not complied with the directions issued on 4th January, 2024 by filing an affidavit.
6. By way of a last chance, we direct the respondent nos.7 and 8 to file the affidavit in terms of the order dated 4th January, 2024 not later than 8th May, 2025 and advance copies be

served on the learned advocates appearing for the parties in both the writ petitions.

7. Let the matters be listed on 15th May, 2025 retaining its position.
8. In the event, the respondent nos.7 and 8 do not comply with the directions within the time stipulated, the affidavit if belatedly filed, will be accepted subject to payment of cost of Rs.1,00,000/- payable to the West Bengal State Legal Services Authority and such amount shall be paid from and out of the personal funds of the respondent no.8, who is the President of the Association.
9. Learned advocate appearing for the respondent/bank viz. Bank of Baroda submitted that the learned advocate appearing for the petitioners in W.P.A.(P) 526 of 2024 has examined the original cheques and vouchers, which were issued, which are being retained by the learned advocate appearing for the bank.
10. Let the appropriate officer of the bank file a report as to the nature of transaction, which was adopted.
11. In the event, the learned advocate appearing for the petitioners wants to examine the cheques and vouchers once again, a request may be made to the learned advocate appearing for the respondent/bank and subject to his convenience, the inspection can be done.
12. In the order dated January 4, 2024 in W.P.A.(P) 12 of 2023 inadvertently, the name of Mr. Jahar Lal De, learned advocate assisted by Ms. Debarati Sen (Bose), learned advocate have not been shown to represent the State-

Respondent, whereas, actually, Mr. De, learned advocate represented the State on the said date.

13. Let the said corrections be deemed to stand incorporated in the order dated January 4, 2024 for all practical purposes.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)