

November 22, 2024

AD 71

Ct. 17

SG

WPA 26874 of 2023
CAN 1 of 2024, CAN 2 of 2024
CAN 3 of 2024, CAN 4 of 2024
CAN 5 of 2024, CAN 6 of 2024
CAN 7 of 2024, CAN 8 of 2024
CAN 9 of 2024, CAN 10 of 2024
CAN 11 of 2024

Saroj Kumar Ghosh

vs.

The State of West Bengal and others

Mr. Rajdeep Majumder
Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee
Mr. Soumya Raha

... for the petitioner.

Ms. Ipsita Banerjee
Mr. Tarak Karan

... for the State.

Mr. Abdul Masood

... respondent No.4 in person

Md. Sajid Hussain, Advocate

... for the respondent No.4.

Learned counsel for the petitioner submits as follows. The trademark in question was wrongly granted in favour of the petitioner. It is evident from an earlier report submitted by the police in final form where it was clarified that the petitioner was having a society in the name of 'Satya Sandhi' registered in 1986-87 while the respondent had registered a society in the same only in 2007-08. The trademark authorities had illegally granted such a mark in favour of the petitioner in 2021. While

making a purported preliminary enquiry, the enquiry officer did not go through all these facts nor were these facts disclosed in the FIR. He wants to take instruction as to whether his client has already challenged the issuance of trademark in favour of the other side.

Learned counsel for the State submits that since a prima facie case is made out, if the FIR is read along with enquiry report, there is no other option, but to investigation the case.

The respondent No.4 appearing in person denies the allegations made in the writ petition and submits that the petitioner is not having the society registered in the name of 'Satya Sandhi' for the year 1986-87. The report in final form filed in such case has been relied upon by the petitioner was set aside and further investigation directed. He wants to produce certified copy of the said order.

List this matter for further hearing under the same heading on December 13, 2024 at 3 pm.

The State shall produce the case diary on the next date.

Interim order, granted earlier, remain extended till December 17, 2024.

Parties shall act on a server copy of this order duly downloaded from the official website of this Court.

[Jay Sengupta, J.]