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CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 631 of 2020

Ashim Kumar Dutta & Ors.
Vs.
The State of West Bengal & Ors.

Ms. Sunayna Prasad
... For the petitioners.

Mr. Subir Kumar Saha
Mr. Nabankur Paul
... For the State

Today, learned advocate representing the State respondents once again prays for extension of time to file affidavit-in-opposition.

Records, however, reveal that by an order dated 18th October, 2023, a Coordinate Bench of this Court as a last chance had extended the time for filing affidavit-in-opposition by the respondents for a period of two weeks after puja vacation subject to payment of cost of Rs.10,000/-to be paid to the State Legal Aid Services, Jalpaiguri and the State respondents were directed to file proof of payment before this Court.

Mr. Saha, learned advocate representing the State respondents submits that the cost has not been paid. He submits that by reasons of oversight, the aforesaid deposit has not been made.

It, however, appears that notwithstanding seeking an extension, the respondents have not filed their affidavit-in-opposition. Since then, once again a further extension was granted by a Coordinate Bench of this Court on 23rd November, 2023. Despite the aforesaid no opposition has been filed within the extended time. The conduct of the respondents is not appreciated by this Court. However, as a last chance time to file affidavit-in-opposition is extended by this Court for a period of four weeks from date, subject to payment of cost of Rs.5000/- to be paid by the State respondents to the State Legal Aid Services, Jalpaiguri in addition to the payment of cost already directed to be paid by an order dated 18th October, 2023. The petitioner shall be at liberty to file its reply within a period of two weeks thereafter. The State respondents shall file proof of payment of the same before this Court on/or before the matter is taken up next.

List this matter for final hearing in the first available Circuit Bench in the month of July, 2024.

(Raja Basu Chowdhury, J.)