

Court No. 2  
**08.4.2024**  
(Item No. 27)  
(AB)

**IN THE HIGH COURT AT CALCUTTA**  
**Circuit Bench At Jalpaiguri**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**W.P.A. 772 of 2022**  
+  
**CAN 2 of 2024**

DLX Ltd. & Anr.  
VS

The State of West Bengal & Ors.

Mr. Pratik Ghosh  
Mr. Debajit Kundu  
..... for the petitioners  
Mr. Joyjit Choudhury  
Mr. Subir Kumar Saha  
Mr. Nabankur Paul  
Mr. Pradip Sarkar  
.... For the State

In Re: **CAN 2 of 2024**

This is an application filed by the writ petitioner in effect to implement and/or execute the direction of this Court made by a co-ordinate bench on **February 8, 2023** at **page 20** to the application. There are two folds of directions. Both the learned counsel for the petitioner and the learned Additional Advocate General for the State submit that, the auction process has been carried out by the **West Bengal Forest Development Corporation (for short, the said corporation)** partly and the rest of the auction process is in the process. Therefore, auction proceeds arising out of the said partly held auction process is lying with the said corporation.

The said corporation admittedly has not been impleaded in the writ petition.

Drawing attention to **Annexure – G** at **page 30** to the application Mr. Pratik Ghosh, learned counsel for the petitioner/applicant submits that, by a letter dated **December 5, 2023** the respondent No. 4 has already informed the said corporation about the said order dated **February 8, 2023** and requested the corporation to deposit the auction proceeds with the learned Registrar, Circuit Bench, Jalpaiguri in terms of the direction of this Court.

Considering the submissions made on behalf of the parties and upon perusal of the materials on record, this Court **impleads** the said **West Bengal Forest Development Corporation Limited** and also the **Divisional Manager, Darjeeling Forest Corporation Division, Mahananda Para Siliguri** in this writ petition.

The advocate on record for the writ petitioners shall implead the said two parties in this writ petition by putting his signature on the cause title of the original writ petition.

The writ petitioner shall serve a copy of the said amended writ petition after impleadment of the said two parties upon them and shall file an affidavit of service when the matter shall be taken up next.

In the meantime the respondent No. 4 in the writ petition shall write a letter along with a copy of today's order upon the said two impleaded respondents and shall collect the sale proceeds, as discussed above, already lying with the said corporation. Such letter shall be written by the respondent No. 4 positively within a period of **two working days** from today and the said corporation shall immediately release the auction proceeds in favour of the respondent No. 4 positively within a period of **seven working days** from the date of receiving such communication from the respondent No. 4.

In turn, the respondent No. 4 shall deposit the said auction proceeds with the **learned Registrar, Circuit Bench, Jalpaiguri** positively within a period of **two working days** from receiving the said amount from the said corporation. The learned Registrar then shall follow the direction of the co-ordinate bench dated **February 8, 2023**.

After carrying out this process, the respondent No. 4 shall file a report in the form of affidavit before this Court when the matter shall be taken up next.

The learned Registrar shall also file a report before this Court when the matter shall be taken up next.

After completion of the aforesaid time frame the writ petitioner shall be at liberty to mention this application before the **available Circuit Bench** then, subject to its convenience, upon notice to the respondents.

On the prayer of the learned Additional Advocate General for the State, time to file affidavit-in-opposition to the writ petition stands preemptorily extended till **June 10, 2024**. Affidavit-in-reply, if any thereto, shall be filed on or before **June 26, 2024**.

**(Aniruddha Roy, J.)**