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IN THE HIGH COURT AT CALCUTTA  
ORDINARY ORIGINAL CIVIL JURISDICTION  
ORIGINAL SIDE

IA NO. GA/4/2023  
In CS/442/1876

MONILAL MALLICK & ORS.

Vs

ADMINISTRATOR GENERAL OF W.B.& ORS.

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date: 20<sup>th</sup> March, 2024.

APPEARANCE:

Mr. Sarbajit Mukherjee,Adv.

Mr. Soupayen S. Roy,Adv.

Mr. Subhrojyoti Dey,Adv.

Mr. Sagnik Basu,Adv.

Mr. Sayak Konar,Adv.

...For Official Trustee of West Bengal.

The Court:- Perused the report dated 15<sup>th</sup> March, 2024 submitted by the learned Registrar, Original Side. Several points were made out. Firstly, on 7<sup>th</sup> March, 2024 Mr. Jahar Basak, the valuer was not allowed to make any inventory by the Official Trustee on the ground that no intimation has been served upon him from the Registry and until and unless such intimation with date and time is given to him, he will not allow to make inventory. However, report also states that on 14.3.2024

preparation of inventory began in the office of the Official Trustee on 10<sup>th</sup> floor, 1, K.S.Roy Road, Kolkata – 700001. At the time of commencement of such inventory, one Mr. Shankar Sur, goldsmith was present during preparation of inventory. The report contains a letter from the official trustee wherein a prayer was made for making inventory of jewelleryes with goldsmith or expert having modern equipments for determination of gold and silver and other stones including diamond the Official Trustee to resolve the issue officially.

What emanates from the report is that the Official Trustee did not allow preparation of inventory in disregard of this Court's order. One Shankar Sur was allowed to be present being appointed by the official trustee disregarding the order passed by this Court. There was lengthy hearing and Counsel for the Official Trustee never made any prayer for appointment of any suitable person on behalf of the Official Trustee. These actions were done at the instance of the Official Trustee for the reasons best known to him. It is apparent that the Official Trustee allowed his wisdom to prevail over judicial dictum of this Court.

The Official Trustee is directed to explain as to why he has flouted the Order of this Court and caused obstruction in carrying out the order of this Court by his alleged deed or acts. The explanation shall be filed on

or before the returnable date and the Official Trustee must be present in Court on that date.

A copy of this order may be sent to the learned Registrar, Original Side as well as the learned Registrar, Judicial Service for quick communication to the Official Trustee.

In the order dated 26.2.2024 in the appearance portion the name of the Advocate appearing for the official trustee, “Mr. Sakya Sen” shall be replaced by the name of the Advocate appearing for the official trustee, “Mr. Sayak Konar”. The said correction be incorporated in the earlier order dated 26.2.2024 and server copy may be corrected accordingly.

The suit will appear in the list on 11<sup>th</sup> April, 2024.

Needless to say, preparation of inventory shall not be stopped which shall be done with three days’ prior notice to the Official Trustee.

(SUGATO MAJUMDAR, J.)