

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 110 OF 2008

ASIT KUMAR KAR
VERSUS
STATE OF WEST BENGAL & ORS.

Petitioner(s)

Respondent(s)

(With appln. for ex-Parte stay and office report)
with IA.No.2(appln.for discharge of vakalatnama)WITH W.P(C) NO. 118 of 2008 (FOR PREL.HEARING)
(With appln.for directions and office report)
with IA.No.... appln.for discharge of vakalatnama)W.P(C) NO. 119 of 2008 (FOR PREL.HEARING)
(With office report)W.P(C) NO. 144 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)W.P(C) NO. 146 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)W.P(C) NO. 147 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)W.P(C) NO. 148 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)W.P(C) NO. 149 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)W.P(C) NO. 150 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)W.P(C) NO. 151 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)W.P(C) NO. 152 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)W.P(C) NO. 153 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)W.P(C) NO. 154 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)W.P(C) NO. 155 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)

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W.P(C) NO. 156 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)W.P(C) NO. 157 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)W.P(C) NO. 158 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)W.P(C) NO. 159 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)W.P(C) NO. 160 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)

W.P(C) NO. 161 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)

W.P(C) NO. 162 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)

W.P(C) NO. 163 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)

W.P(C) NO. 164 of 2008 (FOR PREL.HEARING)
(With appln.for ex-parte stay and office report)

Date: 02/05/2008 This Petition was called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER
HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s) M. M.N. Krishnamani, Sr.Adv.
Mr.D. Bharat Kumar, Adv.
Mr. Vishal Arun, Adv.
Mr. Anand, Adv.
Mr. A.H. Laskar, Adv.
Ms. M. Indrani, Adv.
Mr. Abhijit Sengupta,Adv.

Mr. Shyam Divan, Sr.Adv.
Mr. Abhijeet Chatterjee, Adv.
Mr. Subodh Kr. Pathak, Adv.
Mr. Shashi Ranjan, Adv.
Mr. Dharmendra Kumar Sinha, Adv.
Mr. Vishal Arun, Adv.

Mr. P.N. Puri, Adv.
For Respondent(s) Mr.K.K. Venugopal, Sr.Adv.
Mr.Pradip Ghosh, Sr.Adv.
Mr. Mukul Rohtagi, Sr.Adv.
Mr. Krishan Venugopal, Adv.
Mr. A.N. Mukherjee, Adv.
Mr. D.P. Narayan Mikherjee, Adv.
Mr. Chanchal Kumar Ganguli,Adv.

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Mr. Shanti Bhushan, Sr.Adv.
Mr. Chetan Sharma, Adv.
Mr. D. Bhattacharary, Adv.
Mr. Saurabh Mishra, Adv.

Mr. C.A. Sundram, Sr.Adv.
Mr. B. Krishnandu Sarkar, Adv.
Mr.Aman Vachher, Adv.
Mr. Ashutosh Dubey, Adv.
Ms. Rashmi Dubey, Adv.
Mr. P.N. Puri, Adv.
Mr. Dhiraj, Adv.
Ms. Reeta D. Puri, Adv.

Mr. Anurag Pandey, Adv.

Mr. Dipak Bhattacharya, Adv.
Mr. S. Mishra, Adv.

UPON hearing counsel the Court made the following
ORDER

We have heard learned counsel for the parties.

At the outset, the learned counsel for the petitioners made a prayer to delete respondent No.3 from the array of respondents.

So far as respondents 1 and 2 are concerned, they are represented by learned senior counsel Mr. Shanti Bhushan instructed by Mr. Saurabh Mishra.

Mr. C.A. Sundaram learned senior counsel instructed by Mr. P.N. Puri for respondent No.3 stated that respondent No.3 can be represented only through General Secretary of the Association and since he is appearing for General Secretary of the Association, it is the General Secretary who will represent the Association respondent No.3. It was stated that in the meeting of the Association, a policy decision had been taken pursuant to which it was decided to withdraw the writ petitions filed by the Association and pending in the High Court of Calcutta being Writ Petition No.198 of 2004 and Writ Petition No.2248 of 2004 and actually they were withdrawn on 4th April, 2008.

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On the other hand. Mr. K.K. Venugopal learned senior counsel instructed by Mr. Chanchal Kumar Ganguli, stated that the definition of 'Secretary' includes 'Joint Secretary' and hence Joint Secretary can represent the Association. Moreover. it was the Association through Joint Secretary which has filed special leave petition against the order passed by the High Court of Calcutta.

Mr. K.K. Venugopal contented that the action taken by the Secretary is to over reach the order of the Court.

On the facts and in the circumstances of the case, in our opinion, an appropriate course would be to hear the parties without deciding that issue at this stage.

List immediately after summer vacation.

[Usha Bhardwaj]
Court Master

[Vinod Kulvi]
Court Master