

W.P.A. 8601 of 2020

Shri Lakshmi Kanta Roy Chowdhury
-vs.-
State of West Bengal & Ors.

Mr. Kishore Mukherjee
... for the petitioner

Mr. Srijan Nayak
Ms. Rituparna Moitra
... for the State

The writ petitioner claims that he is a nominee of the funds deposited by his deceased wife in the Kolkata Police Cooperative Bank. The petitioner himself is also a member of the Kolkata Police.

While the only objection raised is from the mother-in-law of the writ petitioner, repeated attempts to serve the mother-in-law have resulted in a naught.

There are two affidavits of service filed in court indicating service. In addition thereto, this court had directed the petitioner to serve once again for the third time by speed post on the mother-in-law. The only reply that came was the intimation given on 09.12.2020. The intimation does not appear to have been responded to.

It is true that the named nominee under the Cooperative Rules is entitled to be admitted member and monetary benefit approving therewith.

In the interest of justice, the matter should be

dealt with by the concerned A.R.C.S. under Section 102 of the W.B.C.S. Act, 2006. The concerned A.R.C.S. shall, if the petitioner applies within two weeks from date with more documents and evidence to arrive at a fair conclusion to ensure that the rightful person gets the deposits and other benefits of his late wife, in accordance with law.

The writ petitioner shall approach the concerned A.R.C.S. with an application highlighting his claims, the concerned A.R.C.S. upon due notice to the Bank and strictly in accordance with law and applicable rules proceed to determine the matter and pass reasoned orders preferably within a period of two months from the date of filing of such application.

With the above observations, the instant writ application stands **disposed of**, however, without any order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Rajasekhar Mantha, J.)