

23.11.2021
Item No.45.
Court No.6.
AB

Through Video Conference

F.M.A. No. 937 of 2020

Sri Amitava Ghose

Vs

State of West Bengal & Others

Mr. Ashit Kr. Chakraborty,
Mr. Kamal Krishna Pathak,
Mr. Sunanda Mohan Ghosh...for the Appellant.

Mr. Pradip Kumar Roy,
Mr. Biplab Das ...for the State.

Mr. Subhajit Panja ...for the Respdt. No.5.

The writ petitioner challenged an order dated January 19, 2018, superseding an elected board of a co-operative housing society namely, Saptaparni Co-operative Housing Society, before the learned Single Judge.

The learned Judge by the order impugned dated January 7, 2020, dismissed the writ petition on the ground that after the supersession, a new board had already been constituted by fresh election. The learned Single Judge also recorded the submission of the writ petitioner that he had no grievance against the newly elected board.

Before us, it has been contended on behalf of the appellant/ writ petitioner that the order of

supersession is illegal since there was initially an enquiry report in favour of the said board and thereafter in a mala fide manner another enquiry was conducted on the basis of which the board was superseded.

It was further submitted that there was violation of the principles of natural justice since copy of the said enquiry report was not served upon the members of the board, and that the board was not given any opportunity of hearing before the order of supersession was passed.

Admittedly, after the said supersession order, an election was held on August, 2018, following which a new board has been constituted. We are told that the said board is functional as on date.

Since it is the admitted position that tenure of the superseded board would have expired in February 2021, no relief can be granted to the appellant at this stage. In our view the writ petition has become infructuous since the statutory tenure of the board has expired.

Learned advocate for the appellant suggests that we should make certain observations with regard to the alleged illegalities committed by the State in superseding the board. We are not inclined to undertake such exercise at this stage because, as rightly observed by the learned Single Judge, such

exercise will be only an academic one giving no relief to the appellant.

In view of the aforesaid, no interference is called for.

The appeal being FMA No.937 of 2020 is, accordingly, disposed of along with all connected applications, if any.

Let urgent Photostat certified copies of this order, if applied for, be supplied to the parties after compliance with the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)