

16.03.2021
Sl. No.3
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 6875 of 2021

**Midnapore Cooperative Agriculture and Rural
Development Bank Limited
Vs.
The State of West Bengal & Ors.**

Mr. Pabitra Charan Bhattacharyya,
Mr. Subhajit Panja
.....for the petitioner.
Mr. Malay Kumar Singh,
Mr. Raja Ram Banerjee
.....for the State.

Affidavit of service filed in Court today is taken on record.

The petitioner is a Cooperative Agriculture and Rural Development Bank functioning under the provisions of the West Bengal Cooperative Societies Act, 2006 (hereinafter referred to as the said Act) and the rules framed thereunder. The petitioner says that the respondent no.3 had availed loan from the petitioner, but has defaulted in making payment of the same. The petitioner is seeking orders to enforce recovery of the defaulted amount from the drawing and disbursing authority of the respondent no.3. The petitioner has statutory remedies available under Section 102 and Section 139 of the said Act. The remedies are not only alternative but efficacious.

In view of such remedies available to the petitioner, the writ Court exercising jurisdiction under

Article 226 of the Constitution of India should be cautious in interfering with the matter like that in hand.

I am not inclined to exercise the high prerogative writ jurisdiction at this stage in favour of the petitioner as against the respondent no.3 in view of the statutory remedies available to the petitioner.

The writ petition is disposed of granting leave to the petitioner to take recourse of the statutory remedies available to the petitioner in accordance with law as may be advised.

The petitioner on being advised, if avails any of the statutory remedies available to the petitioner, the authority concerned shall in such event dispose of the matter as expeditiously as possible.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Arindam Mukherjee, J.)