

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 7212 of 2021

Kartick Chandra Samanta & Anr.
Vs.
Assistant Registrar, Co-operative Societies,
Bardhaman Range & Ors.

Mr. P.K. Bhattacharya
... For the petitioners

Mr. Srijan Nayak
Mr. Ankit Sureka
Mr. Partha Sarathi Paul
... For the State

The advocate for the petitioner submits that he does not have the infrastructure to conduct the matter through virtual mode and, as such, be permitted to proceed through physical mode.

The advocate for the State respondents is also physically present in Court.

In such circumstances, the matter is taken up for consideration.

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

The petitioners say that the petitioners had let out a room to Bhatar Samabaya Sashya Utpadan 'O' Bipanan Samity Limited (hereinafter referred to as the "Cooperative Society"). The said Cooperative Society, according to the

petitioners, is holding onto the property despite the expiry of the agreement by efflux of time for which the petitioners have initiated appropriate proceedings for recovery of the property. The petitioners say that the Cooperative Society is continuing with illegal acts like cooking midday meal etc. though the said Cooperative Society does not own any licence of gas or invite through tender for selecting vehicles for carrying goods under the Public Distribution System (in short “PDS”), midday meal etc.

The petitioner no.1 also claims to be a member of the said Cooperative Society. The petitioners say that they have ventilated their grievances with the concerned Assistant Registrar of Cooperative Societies (in short “ARCS”) and to other authorities but no steps have been taken to desist the said Cooperative Society from continuing with alleged illegal acts from the room let out to it by the petitioners. The petitioners refer to an enquiry report dated 9th December, 2020 forwarded to the petitioners on 21st December, 2020 by the Assistant Registrar of Cooperative Societies, Purba Bardhaman-I Range, Purba Bardhaman, to substantiate their claim. The petitioners pray for a mandatory direction upon the respondent no.1 to take appropriate steps against the persons concerned on the basis of the enquiry report dated 9th December, 2020.

On behalf of the State respondents, it is submitted that the ARCS is in seisin of the matter and the enquiry

report relied upon by the petitioners is a product of the direction given by the ARCS. It, therefor, cannot be alleged that the respondent authorities are not taking any steps.

Considering the submissions made by the parties and the materials on record, I find that the enquiry report dated 9th December, 2020 referred to by the petitioners is in terms of the order passed by the ARCS. It cannot, therefor, at this stage, be said that the concerned authorities are not taking any steps. There is, as such, no necessity for any mandatory order on any of the respondents, save that the ARCS should bring the complaint made by the petitioners to a logical conclusion after considering the enquiry report and, if necessary, giving personal hearing to the parties.

The ARCS is directed to complete this exercise within a period of four months from date and pass a reasoned order to that effect. The order that may be passed by the ARCS be immediately served to the petitioners.

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.

It is needless to mention that I have not gone into the merits of the matter or into the claim and counter-

claim of the parties as the same is not required at this stage for the purpose of disposing of the instant writ petition. The ARCS shall be free to decide the matter without being influenced in any manner by the instant order.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)