

30.07.2021
Sl. No.20
srn

W.P.A. No. 11299 of 2021
Sukumar Das & Ors.
Vs.
The State of West Bengal & Ors.

Md. Giasuddin Mulla,
Mr. Sudhangshu Nath,
Mrs. Shikha P. Chowdhury
...for the Petitioners.

Mr. Anirban Ray, Id. GP
Mr. Raja Saha,
Ms. Rupsa Chakraborty
...for the State.

Mr. Subrata Kumar Basu,
Ms. Monisha Das
...for the Respondent No.9.

Affidavit of service is taken on record.

The petitioners are the members of Mohanpur Samabay Agriculture (Krishi) and Psiculture (Montshya Chas) Unnayan Samity at Mohanpur, District North 24-Parganas. The petitioners are the farmers as also fishermen. The petitioners took loan from the said society. The society is a primary co-operative society and has the authority to extend credit facilities to its members.

It is the contention of the petitioners that due to the Covid-19 situation and also the effect of 'Amphan', their cultivation and also fishing business has suffered serious loss. They have lost their property, their business and everything

that they had. They have prayed before the concerned society for waiver of the loan which the society extended to them.

Mr. Basu, learned Advocate appearing on behalf of the respondent No.9, submits that the credit was given to the members as a loan. The money was given to the society by the West Bengal State Co-operative Bank and the money has to be refunded to the bank by the society. It has been submitted that there was no legal provision on the basis of which a waiver can be given to the petitioners. He submits that some of the petitioners are habitual defaulters. He further submits that a floodgate will open if the petitioners are granted any waiver.

Mr. Raja Saha, learned Advocate appearing on behalf the State-respondents, submits that the society itself does not have any power or authority to waive the loan because the society itself has taken the amount as a loan from the West Bengal State Co-operative Bank. He further submits that there is no scheme for waiver, which has been floated for such persons who are either agriculturists or fishermen and were badly affected by the Covid-19 situation and the two consecutive cyclones which had hit the State.

This Court is sympathetic to the situation the petitioners have been facing but in the absence of any provision of law, this Court cannot pass any mandatory direction upon the respondent/society.

Under such circumstances, the petitioners are directed to approach the competent authority of the society by filing a fresh representation. The petitioners shall be heard and a reasoned order shall be passed. The society which is now functioning under a manager is at liberty to approach the higher authorities who may be able to come up with a solution for the petitioners, if permissible in law.

The writ petition is, thus, disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)