

AD. 158.
April 6, 2022.
MNS.

WPA No. 4151 of 2022

Pranab Chowdhury
Vs.
The State of West Bengal and others

Mr. Saurabh Guhathakurata,
Ms. Tanuka Basu

...for the petitioner.

Mr. P. K. Roy,
Mr. Biplob Das

...for the respondent no. 2.

Affidavit-of-service filed in Court today be kept
on record.

The limited prayer of the writ petitioner is that,
despite the predecessor-in-interest of the petitioner
having mortgaged his property with the Naktala
Sarbartha Sadhan Samabaya Samity Limited,
subsequently the petitioner and other heirs of the
said predecessor-in-interest are not being able to
trace out and/or locate the said Samabaya Samity at
all.

Learned counsel appearing for the petitioner
places reliance on the first schedule to the West
Bengal Co-operative Societies Act, 2006 (in short
'2006 Act') and Section 142 of the said 2006 Act to
indicate that there is an obligation upon the
Registrar/Joint Registrar of Co-operative Societies to

carry out the obligations cast under the Statute on the said authority.

Learned counsel appearing for the respondent-authorities, however, contends that there is specific obligation cast on the said authority under the Statute to trace out the Samabaya Samity for the purpose of ensuring that a document is handed over to a member of the Samabaya Samity.

Be that as it may, although this Court is satisfied with the contention of the respondent-authorities that there is no direct statutory obligation cast upon the respondent-authorities to trace out the said registered Society, in order to facilitate the tracing out of the document of the petitioner's predecessor-in-interest, in which the petitioner is vitally interested, it is expected that the respondent-authorities would cooperate with the petitioner in all respects for the purpose of tracing out the respondent no. 3, that is, Naktala Sarbartha Sadhan Samabaya Samity Limited.

Although there is no direct obligation under the 2006 Act on the Joint Registrar of Co-operative Societies to discharge such function, in view of the special knowledge which the office of the Joint Registrar might be privy to, since the Samabaya Samity-in-question was registered under the Statute, the respondent no. 2 is requested to extend cooperation to the petitioner for the purpose of

tracing out the respondent no. 3, that is, Naktala Sarbartha Sadhan Samabaya Samity Limited, preferably within three months from this date.

In view of the above, WPA No. 4151 of 2022 is disposed of.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)