

11.05.2022
Item No.8
Ct. No.7
CHC
(disposed of)

C.O.1029 of 2022

**Skyline Co-operative Housing Society & anr.
Vs.
Shila Sen & ors.**

Mr. Ayan Poddar,
Mr. A. Dutta,
Ms. Poulami Bhowmick
...for the petitioners

Ms. Jaya Datta,
Ms. Sweta Saha
...for the opposite parties

The subject-matter of challenge is against the order dated 18th April, 2022, passed by the Joint Registrar of Co-operative Societies, Kolkata Metropolitan Area Housing Cell in 16/KMAH of 2021, disposing of an application under Section 103(4) of West Bengal Co-operative Societies Act, 2006.

Learned advocate appearing for the petitioners disputes with the impugned order submitting that a purely non-speaking order has been passed without any reason, and more so, taking the ground of limitation, the jurisdiction of this court available under Article 227 of the Constitution of India has been approached.

Per contra, Ms. Datta, learned advocate appearing for the opposite parties disputing with the submission of petitioners submits that the impugned order is

appealable, and the appeal court is there, and as such, this Court should not exercise jurisdiction of Article 227 of the Constitution of India.

That being the position, the revisional application stands disposed of giving liberty to petitioners to prefer appeal in accordance with the provisions of law before the appellate forum.

Certified copy of the impugned order may be returned back to the learned advocate-on-record of the petitioners upon retaining photocopy of the same.

In approaching the appeal court, the limitation, if there be any, should not be strictly construed to be a bar taking order of this Court.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)