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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 8980 of 2022

Alpana Roy Chowdhury & Anr.

-vs.-

State of West Bengal & Ors.

Mr. Sarathi Dasgupta,

Mr. Pratik Ghose

...for the petitioners

Mr. Raja Saha,

Mr. Shayak Chakraborty

...for the State

Mr. Pradip Kumar Roy,

Mr. Biplob das

...for the respondent no. 2

Learned counsel appearing for the petitioners contends that the petitioners, as legal heirs of their predecessor-in-interest, late Haro Prosad Roy Chowdhury, are entitled to a transfer of the membership of the Megacity Housing Co-operative Society on the demise of their predecessor. However, the transfer is being withheld due to the election not being held in the said co-operative society.

It is submitted that, by virtue of Notification No. 785-F.T. dated September 29, 2020, the Additional Secretary to the Government of West Bengal fixed a deadline for the registration of documents under the

Registration Act, 1908, which cannot be undertaken by the petitioners prior to the transfer of the membership.

As such, it is contended that the election may be directed to be held as expeditiously as possible.

Learned counsel appearing for the petitioners, in his usual fairness, submits that, by a subsequent notification dated May 12, 2022, the last date for registration of documents has been extended till October 31, 2023.

In such view of the matter, the extreme urgency on the part of the petitioners is lost.

Since the petitioners otherwise have no *locus standi* to present the writ petition, as the petitioners are not yet members of the co-operative society and cannot claim to be directly aggrieved by the alleged inaction of the authorities in not holding the election, W.P.A. No. 8980 of 2022 is dismissed in view of lack of *locus standi*, with liberty to the petitioners to move the Court in the event an exigency occurs due to any subsequent development.

In such an event, this order shall not preclude the petitioners from seeking such remedy before the appropriate forum.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)