

S/L 661 (ML)
24.08.2022
Court. No. 19
GB

WPA 9182 of 2022

Ajay Kumar Jana & Anr.
VS
The State of West Bengal & Ors.

Mr. Tanmoy Mukherjee,
Mr. Bibekananda Tripathy.

...for the Petitioner.

Mr. Srijan Nayak,
Mr. Ankit Sureka,
Mr. Biplab Das.

...for the Respondent Nos.3 to 6.

Mr. Gautam Guria.

...for the Respondent Nos.7 & 8.

The Deputy Secretary, Department of Cooperation, Government of West Bengal had already directed the Registrar of Co-operative Societies, West Bengal by order dated August 10, 2016 to take necessary action on the issue of returning the land of Sri Ajay Kumar Jana and Smt. Rekha Rani Jana, which had been registered in the name of the society, namely, Kandpashra Barkandapashra Samabay Krishi Unnayan Samity Limited (hereinafter referred to as the 'said society'). Such order was issued on the basis of an award dated November 26, 2010 passed in Dispute Case Nos. 72 and 73 of 2009-2010. Reliance has also been placed on a resolution of the Board of Directors of the said society, in which the society had resolved to comply with the award as the payment from the petitioners as per the award, had been received.

The learned advocate for the society denies the factum of payment by the petitioners. He submits that the audit report would disclose that no payment was made by the

petitioners and a huge amount of money is still payable. He further submits that a civil suit is pending on the self-same cause of action at the instance of the petitioners.

The Assistant Registrar of Co-operative Societies, Purba Medinipur –I Range office Tamluk, by two letters had asked the Secretary of the said society to convene a meeting of the Board of Directors to resolve the issue, but the records do not reveal whether such issue was at all resolved or not. There are rival claims which has given rise to a factual dispute. As such, the Assistant Registrar of Co-operative Societies, Purba Medinipur –I Range office Tamluk shall immediately takes steps to comply with the order of the Deputy Secretary, Co-operation Department and take necessary action in this regard.

It is the specific contention of the petitioners that the award has not been challenged before any forum and the same had attained finality. It is the specific contention of the petitioners that the money payable as per the award has been paid and the society received the same and also resolved to return the land.

All points including the point of execution of the award are kept open for appropriate decision. All such disputed questions will be decided on the basis of the award, the documents to be produced by the parties, the audit report and any other subsequent facts, which are relevant for such purpose.

The petitioners shall file a comprehensive application before the concerned ARCS, which shall be disposed of in

accordance with law upon hearing all the parties. A reasoned order shall be passed and communicated to all the parties. The order shall also be communicated to the Deputy Secretary, Co-operation Department, Government of West Bengal.

This order is being passed only because the Registrar of Co-operative Societies had been directed by the Department of Cooperation, Government of West Bengal to look into the matter and take steps, but no such steps have yet been taken by the concerned authority.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)