

25.07.2022
Court No. 19
Item no.483
CP

W.P.A. No. 9599 of 2022

Gitanjali Park Society & anr.
Vs.
The State of West Bengal & ors.

Mr. Dibyendu Chatterjee
Mr. Pritam Majumdar
Ms. Piyali Paul
Ms. Reshmi Ghosh

...for the petitioners.

Mr. Santanu Kr. Mitra
Ms. Shrabani Sarkar

...for the State.

Mr. Prasanta Kr. Pakrashi
Ms. Ankita Mitra

....for the respondent nos. 4 & 5.

It appears from the prayers and the pleadings in the writ petition, that the dispute is between two groups of persons. 'Diamond Park Society' was renamed as 'Gitanjali Park Society'.

It appears from the record that a notice for an annual general meeting dated May 6, 2022 was issued in the name of 'Gitanjali Park Society' (which was earlier known as 'Diamond Park Society'). According to the petitioner, the fact that the society was functioning as Gitanjali Park Society, had been accepted by the respondent nos. 4 and 5. It is contended that several illegal activities had been carried on by the respondent nos. 4 and 5. The

allegation is that the respondent nos. 4 and 5 did not pay their maintenance charges and the Puja subscriptions. The respondent no. 5 wrongly described himself as the Secretary of the society and tried to create interruption in the smooth running of the affairs of the present society. The respondent no. 5 printed a bill book, in the name of the petitioner society without the knowledge of the committee.

On the basis of the above allegations, a complaint was lodged before the Officer-in-charge, Garfa Police Station. It was prayed that the police authorities must take appropriate steps so that the meeting of the society, fixed on May 22, 2022 by the respondent nos. 4 and 5 could not be held.

As the police authorities did not take any steps to restrain the respondent nos. 4 and 5 from the holding the meeting on May 22, 2022, the writ petition has been filed. It has been prayed that the respondents must take steps to set aside the notice dated May 6, 2022, issued by the respondent no. 5, declaring the date of the meeting as May 22, 2022. A prayer for a mandamus upon the police authorities to prevent the respondents from running a parallel committee and a further mandamus restraining the respondent nos. 4 and 5 from disturbing the day-to-day affairs of the committee, have been prayed for.

The Officer-in-Charge, Garfa Police Station has filed a report. The same is taken on record. It appears that an enquiry was made by the police authorities. The respondent nos. 4 and 5 were questioned. Counter allegations were levelled by the said respondents against the petitioner no. 2, i.e., Debasish Ray and one Mrs. Sujata Majumder, alleging that they had misused their power and position since the formation of the 'Gitanjali Park Society'.

With regard to the annual general meeting, the police was informed that the meeting was called in accordance with law. A General Diary was registered. Allegations have been made against the petitioner no. 2 for illegally withholding important documents, registers, bank documents etc.

The respondent nos. 4 and 5 claimed to be the newly elected president and secretary of the 'Gitanjali Park Society'. There are allegations and counter allegations amongst the parties. The allegation of forcefully keeping the keys of the society and the cupboard as made by the petitioners, could not be substantiated. The 34th executive committee of the 'Gitanjali Park Society' was functioning. According to the police, all the records and accounts were not handed over by the 33rd executive committee. As

such, the police was informed that a new bill book was being used for raising the annual subscription.

It transpires that there are two groups within 'Gitanjali Park Society'. The issues are with regard to their internal management. This court is of the view that neither the police authorities nor this court, can take over the management of the committee and intervene in the internal affairs. Whether the bill book which has been recently printed for raising subscription, could be done under the relevant Act and the Rules and whether the respondent nos. 4 and 5 were the elected president and the secretary or not, cannot be decided by the writ court.

The police authorities cannot take control of either the office of the society or the documents as these issues have to be decided as a dispute under Section 102 of the West Bengal Cooperative Societies Act, 2006.

All that the police authorities must ensure is that no untoward incident takes place within the office premises of the society.

With regard to the other issues, the parties are at liberty to approach the appropriate forum.

The observations made in this order are restricted only to the disposal of the writ petition.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)