

28.07.2022
Sl. No.15(SL)
srm

W.P.A. No. 12039 of 2022

Patit Paban Dinda

Versus

The State of West Bengal & Ors.

Mr. Bibek Jyoti Basu,
Mr. Uttam Kumar De

...for the Petitioner.

Mr. Golam Mastafa,
Mr. T.S. Samanta

...for the Respondent Nos.7 to 10
& 12 to 15.

Ms. Jamuna Saha

...for the Respondent Nos.11 & 16.

Mr. Jishnu Chowdhury,
Mr. Sutanu Chakrabarti

...for the State-respondents.

The allegation of the petitioner is that the respondents, who have withdrawn the money from the bank, have done so fraudulently without any resolution of the members of the Vivekananda Samabaya Krishi Unnayan Samiti Ltd. (hereinafter referred to as the society). The petitioner and the said respondents are the leaseholders of a pond. It had been resolved that the income generated from the said pond would be kept in an account on behalf of all the leaseholders. Rashbehari Dinda and Banitosh Dinda could operate the

account. However, withdrawal of the money, could be done upon a resolution to be passed by the members.

Mr. Basu, learned Advocate appearing on behalf of the petitioner, submits that the Officer-in-Charge, Sutamata Police Station instead of acting on the complaint lodged by the petitioner, called the petitioner to the police station to sign certain documents.

The police report indicates that the bank authorities intimated the police that they were not in a position to stop operation of the account by the joint account holders. However, the police authorities have not mentioned anything about calling the petitioner to the police station to sign documents, on the contrary, the police authorities have opined that the dispute between the members was civil in nature.

With regard to the allegation of withdrawal of money, which was kept in the savings account of the society, it appears that there is a dispute between the members of the society and as such the remedy of the petitioner would be to raise a dispute before the appropriate forum in terms of Section 102 of the West Bengal Cooperative Societies Act, 2006. The police authorities shall ensure that the petitioner is not harassed in any way. The prayer of Mr. Basu for freezing the account where the money has been kept, in apprehension

that the entire money would be withdrawn by the joint holders in violation of the resolution, the remedy will also be before the appropriate forum before whom the dispute case will be filed. The money, if any, which has been withdrawn already, shall be subject to the decision of the appropriate forum. The dispute to be raised by the petitioner shall be decided within a month from the date of receipt thereof. The question of grant of interim protection shall be decided within a week from the receipt of the dispute case. The police authorities are directed to keep a vigil in order to ensure that the law and order is maintained. The bank authority shall give a detailed statement of accounts with regard to the transaction, which had taken place in respect of the concerned savings account No.882.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)