

Ct. 05
Item No.28
14.11.2022
(Suvendu)

WPA 16206 of 2021

Swapan Kumar Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Sandipan Banerjee
Mr. Pinaki Ranjan Chakraborti
.....for the petitioner
Mr. Uday Shankar Bhattacharya
Mr. Biswajit Dirghangi
.....for the respondent nos. 4-6

The only prayer in the writ petition is for a direction on the Registrar of Firms, Societies, West Bengal to expedite the matter pending before the Registrar since 24th August, 2021. The matter is in relation to the cancellation of the registration of the membership of the petitioner and removing the petitioner from the post of President of the All Bengal Publishers' Association. It is not disputed that the interested parties have filed their respective Replies before the Registrar. However, the Registrar has not taken any steps beyond August, 2021.

The private respondents are represented and take a point that the writ petition is not within the purview of Article 226 of the Constitution of India.

The State is not represented.

Since this matter has been pending before the Coordinate Benches since March, 2022, this Court is not inclined to adjourn the matter any further. This Court is also not inclined to accept the submissions made on behalf of the private respondents that the petition does not fall within the ambit of Article 226.

The petitioner is seeking relief against the State respondents and the inaction on the part of the State respondents in deciding a pending matter. There is nothing on facts which would pursue this Court to hold that the petitioners' remedy lies elsewhere.

WPA 16206 of 2021 is disposed of with a direction on the respondent no. 3 being the Registrar of Firms, Societies, West Bengal to dispose of the complaint/representation pending before the State authority within a period of four weeks from the date of communication of this order. The concerned authority shall hear all the interested parties including the petitioner and pass a reasoned order which shall be communicated to the petitioner within a period of one week from the date on which such order is passed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)