

W.P.A. 16712 of 2021

**Chandrabhaga Cooperative Housing Society & Ors.
-vs-
The State of West Bengal & Ors.**

Mr. Sankha Ghosh
Mr. Biswarup Nandy
... for the petitioners

Mr. P.K.Roy
Mr. Joydeep Roy
... for the State

Mr. Kajal Mukherjee
... for respondent nos. 4 & 5

Mr. Sourav Halder
... for respondent nos. 6 & 7

Affidavit-of-service filed in Court today be taken on record.

The grievance of the petitioners is that there is an apprehension of bias of the Joint Registrar of Cooperative Societies, who is taking up the appeal preferred by the respondent no. 4 against the petitioners, primarily on two grounds;

- (i) The learned advocate appearing on behalf of respondent no. 4 in the matter was himself a Deputy Registrar of the Cooperative Society previously.
- (ii) The Appellate Authority, that is, the Joint Registrar has been refusing prayers for adjournments and opportunity of filing documents to the petitioners, which bolsters such apprehension.

However, at this juncture, learned counsel appearing for the respondent no. 4 hands up a written instruction, of his client to him, to the Court which indicates that the respondent no. 4 does not want to proceed with the said appeal, the transfer of which has been sought by the present petitioners.

In such view of the matter, since the respondent no. 4 does not want to proceed with the appeal itself, W.P.A. 16712 of 2021 is disposed of as infructuous, keeping on record the written instruction of the respondent no. 4 that the said respondent does not want to proceed any further with the appeal bearing Appeal Case no. 6/RTAH/2021.

There will be no order as to costs.

Urgent photostat certified copy of this order if applied for be given to the parties on priority basis upon completion of requisite formalities.

(Sabyasachi Bhattacharyya, J.)