

**22.04.2022**  
**sayandeep**  
**Sl. No. 194**  
**Ct. No. 09**

**WPA 15239 of 2019**

Santu Malick & Ors.  
-Versus-  
The State of West Bengal & Ors.

Mr. Raja Saha  
Mr. Amit Kr. Ghosh

..... for the State

Mr. P.K. Roy  
Mr. Biplob Das

.... for the respondent no. 2

Mr. Ashit Kr. Chakraborty  
Mr. Sunanda Mohan Ghosh

.... for the respondent nos. 5 & 8

When the matter is called on for hearing, none appears for the petitioners, although the writ petition was substantially heard on the previous occasions and was fixed today for further hearing and passing orders.

Learned counsel appearing for the respondent Nos. 5 and 8 submits, in continuation of his earlier submission, that the writ petition is not maintainable, since the Co-operative Society concerned does not fall within the contemplation of Article 12 of the Constitution of India.

Learned counsel, apart from citing the judgment of *S.S. Rana vs. Registrar, Coop. Societies and Another*, reported at (2006)11 SCC 634, also cites an unreported judgment of a co-ordinate Bench dated September 19,

2018 passed in WP 2016(W) of 2016, where in the case of a similar society, the learned Single Judge had been pleased to dispose of the writ petition as not maintainable and to relegate the matter to the Assistant Registrar of the Co-operative Societies.

In the light of the ratio laid down in the judgment of the Supreme Court and the co-ordinate Bench of this Court, WPA 15239 of 2019 is disposed of as not maintainable, with liberty to the petitioners to approach the Assistant Registrar, Co-operative Societies, Howrah that is, respondent No. 3, to ventilate the grievances as taken in the present writ petition. If so approached, the Assistant Registrar, that is, respondent No. 3 shall endeavour to dispose of the dispute in accordance with law as expeditiously as possible, preferably within four weeks from the date of such approach.

The parties shall act on the written communication of the learned Advocates for the parties, accompanied by server copies of this order, without insisting upon prior production of a certified copy, for the purpose of the implementation of the same.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

**(Sabyasachi Bhattacharyya, J.)**