

28-03-2022
ct no. 13
Sl. 15
sp

**WPA 19566 of 2021
(Through Video Conference)**

Khadiza Educational and Social Welfare Society & Ors.
-Versus-

The State of West Bengal & Ors.

**Md. Sarwar Jahan,
Mr. Anisur Rahman,
Mr. Binay Shaw**

....for the petitioners

**Mr. Habibur Rahaman
....for the private respondent nos. 11, 12 and
13**

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

The petitioners submit that the private respondents, who have been removed from the post of Secretary and Treasurer of the petitioners' society, are continuing to run the said society's business and are interfering with the administration and management. It is also submitted that in T.S. 151 of 2020, the Civil Judge (Jr. Div.), 1st Court, Berhampore, Murshidabad has ordered injunction against the private respondents from entering into the suit property, being the premises of the society.

Counsel for the private respondents produces an order of the office of D.M. and Collector, District Planning Section who was functioning under the Societies Registration Act,

1961. By this order dated January 2, 2020, the resolution of the society explaining the private respondents dated September 15, 2019 has been stayed from the Governing Body of the Society. It appears that the Civil Court has not been apprised of the aforesaid order.

Counsel for the private respondents also urges a point of jurisdiction against the Civil Court. It is stated that in terms of the Societies Registration Act, 1961 it is the principal Civil Judge, who would have jurisdiction to entertain any dispute with regard to the management of a society. The Civil Court may take appropriate notice of the same.

Since the matter has been decided by an authority constituted under the relevant statute, the parties may seek remedies in accordance with the said statute. However, in the meantime, it shall be ensured by the Officer-in-Charge, Beldanga Police Station that there is absolutely no breach of peace in the locale.

With the aforesaid observations, the writ petition is disposed of.

It is made clear that this Court has not entered into any of the disputes and differences between the parties and the parties may thrash out the same in accordance with law.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)