

03.05.2023
PB
Sl. No.149.

WPA 46 of 2023

Atanu Das
Vs
The State of West Bengal & Ors.

Mr. Arunava Ghosh,
Mr. Chandan Mondal,
Mr. Supriya Mahajan.
... For the Petitioner.

Mr. Indranil Roy,
Mr. S. K. Roy.
.....for the respondent no.9.

Mr. Pradip Kr. Roy,
Mr. Joydeep Roy.
.....for the State.

Mr. Srijan Nayak,
Mr. Biplab Das.
.....for respondent no.5.

Mr. Ankit Sureka,
Mr. Asis Dutta.
.....for the respondent no.6.

Mr. Barin Banerjee,
.....for the KMC.

Mr. Satyajit Talukdar.
.....for the KMDA.

Mr. Barin Banerjee,
Ms. Tanushree Das Gupta,
Mr. Komal Shaw.
.....for the KMC.

Mr. Rahul Karmakar,
Mr. Sourav Guchhait.
.....for the respondent nos.9 & 10.

Heard learned advocates appearing for the
respective parties.

This is the second round of litigation, it appears
from record that on earlier occasion, the petitioner had
filed another writ petition being WPA 17348 of 2021

which was dismissed by another Co-ordinate Bench of this Court by order dated 19th September, 2022 with liberty to the petitioner to file fresh writ petition. It appears from the prayer made in this writ petition that petitioner has sought a relief by way of direction upon the respondent concerned to consider the representation of the petitioner dated 30th December, 2022 for his inclusion in the Dera Co-operative Housing Society as a member.

Considering the submission of the parties and the nature of relief asked for by the petitioner in this writ petition for considering petitioner's representation by treating the same as an application for allotting membership in the co-operative society in question, I am not inclined to grant any relief in this writ petition since for obtaining membership in a co-operative society one will have to make proper application as per the norms of the society which petitioner has not yet made and it appears from the petitioner's representation that it intends to do so. Had the petitioner made any application and had it been rejected only then the legality or illegality of the rejection of the application could have been considered and this Court cannot direct the respondent authorities concerned to consider the representation of

the petitioner as a formality for his induction as a member in the co-operative society in question.

In view of the discussions made above, this writ petition being WPA 46 of 2023 is dismissed.

However, dismissal of this writ petition will not be a bar on the part of the petitioner to make application in proper form in accordance with law before the co-operative society concerned for allotment of his membership. Since the final order has been passed in the writ petition at the motion stage without calling for affidavit the allegations against the respective parties should be deemed to have been denied.

(Md. Nizamuddin, J.)