

16.02.2023.
Item No.1
Court No. 38
J.D.

W.P.A. 3895 of 2023

Mursed Ali Din and Ors.
Vs.
State of West Bengal and Ors.

Mr. Lakshminath Bhattacharya,
Mr. Rajib Kumar Acharyya,
Mr. Banshi Badan Maity
...for the petitioners

Mr. D. K. Sengupta,
Mr. Sweta Saha,
...for the respondent Nos. 6 & 7

Mr. Srijan Nayak,
Mrs. Rituparna Maitra
....for the State respondents

The petitioners assail a sale notice dated 24 January, 2023 whereby the secured assets of the petitioners have been directed to be sold on 17 February 2023.

The respondent authorities are represented and submit that in view of the defaults committed by the petitioner and the proceeding initiated by the respondent authorities and the various steps taken thereto, there is no scope of passing any order in this writ petition.

It is submitted on behalf of the petitioners that they are ready and willing to pay 50 % of the total dues forthwith and the balance in reasonable installments.

In view of the alternative remedy available to the writ petitioner under the provisions of the West Bengal

Co-operatives Societies Act, 2006, WPA 3895 of 2023 stands dismissed on the ground of maintainability.

However, the petitioners are at liberty to approach the respondent authorities with the aforesaid offer of settlement. If such proposal is made within the course of the day, the respondent authorities are requested to consider the same in accordance with law.

It is made clear that there is no stay nor embargo with the impugned actions initiated by the respondent authorities.

With the aforesaid direction, WPA 3895 of 2023 stands disposed of.

(Ravi Krishan Kapur, J.)