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WPA 7543 of 2023

Kousik Kumar Chandra & Ors.
Vs
The State of West Bengal & Ors.

Mr. Deepnath Roy Chowdhury,
Mr. Vijay Verma
... For the Petitioners.
Mr. Srijan Nayak,
Mr. Biplob Das
... For the Respondent Nos. 1- 3.
Mr. Sujoy Sarkar
... For the Society.

Heard learned Advocates appearing for the parties.

Petitioners have filed this writ petition against cessation of their membership by the Co-operative Society in question, which is a fully private body and does not come within the meaning of “State” under Article 12 of the Constitution of India since the Society is neither financed by the Government nor the Government has any control over the Society in question in its day to day affairs and this issue has been settled by the Hon’ble Supreme Court in its judgment in the case of S.S. Rana, Registrar, Co-operative Society and Anr. reported in (2006) 11 SCC 634 and it has been followed by this court in an unreported decision of this court dated 31st March, 2023 in WPA 2173 of 2023 in the case of Sri Suman Sengupta and Anr. vs. Union of India and Ors.

In view of the settled position of law this writ petition being WPA 7543 of 2023, is dismissed for being not being maintainable.

However, dismissal of this writ petition will not be a bar on the part of the petitioners to avail the appropriate remedy before the appropriate forum in accordance with law since this writ petition has been dismissed on the ground of maintainability alone without going into the merits of the impugned order of the Society.

(Md. Nizamuddin, J.)