

28 20.09.2023
rkd Ct.15

W.P.A. 9273 of 2013

Goutam Kumar Sikdar

-vs-

The State of West Bengal & Ors.

Mr. Indranath Mitra,

....for the petitioners.

Mr. Srijan Nayak,
Ms. Riturparna Maitra,
Mr. P. S. Pal

....for the respondent no.1.

Mr. Ankit Sureka,
Mr. Biplab Das,
Mr. Asis Dutta

....for the respondent nos.3 to 6.

Mr. Ritzu Ghosh,
Mr. Sayantan Chatterjee,
Mr. Sumit Biswas

....for the respondent no.13.

The grievance of the petitioner which has been ventilated by instituting the present writ petition is not passing final order on the appeal preferred by the petitioner against the decision of Dreamland Housing Cooperative Society not to offer membership to the petitioner in view of submitting resignation by one Rabin Kumar Ganguly.

Petitioner has stated that he is an employee of Durgapur Steel Plant. Therefore on tendering resignation by one of the members of Dreamland Housing Cooperative Society petitioner has got a right to make an application for being considered as member of the said Cooperative Society upon taking necessary decision by the authorities of said

Cooperative Society. Since contemporaneously no decision was taken with regard to the prayer of the petitioner for becoming member of the aforesaid Cooperative Society an appeal was preferred to the Registrar of Cooperative Society on 20th January, 2012 which is at pages 46 and 47 of the writ petition but till date the appeal has not been disposed of by passing final order.

On instruction Mr. Sureka, learned advocate representing the Registrar of Cooperative Societies submits that Assistant Registrar of Cooperative Societies, Paschim Burdwan Range is the appropriate authority to pass order on the appeal preferred by the petitioner.

It has been submitted though appeal has been considered by the said Assistant Registrar but no final decision was taken on the said appeal.

One Rabin Kumar Ganguly being respondent no.13 is represented by learned advocate. He has prayed for an opportunity of being heard by the appellate authority at the time of disposal of the appeal.

Having considered the submissions made on behalf of the respective parties to this writ petition Assistant Registrar of Cooperative Societies, Paschim Burdwan Range is directed to

dispose of the appeal within four weeks from the date of communication of this order after granting opportunity of hearing to the petitioner and respondent no.13, if it is found necessary by the aforesaid appellate authority.

The decision to be taken by the appellate authority shall be communicated to the parties within one week thereafter.

However, it is made clear that if the appellate authority finds it proper to hear Dreamland Housing Cooperative Society notice to be served upon the said Cooperative Society prior to disposal of the appeal in order to grant opportunity of being heard to the said Cooperative Society.

With the aforesaid direction the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)