

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 14156 of 2023

**Sri Jayanta Kumar Panda
-versus
State of West Bengal & Ors.**

**Mr. Amit Baran Dash
Ms. Ankana Sarkar**

... For the petitioner.

**Mr. P. K. Roy
Mr. Ankit Sureka
Mr. Biplab Das**

... For the respondent nos. 3 & 4.

**Mr. D. K. Sengupta
Ms. Sweta Saha**

... For the respondent 5 and 7.

The grievance of the petitioner is that the legal representation filed on behalf of the petitioner before the Assistant Registrar of Co-operative Societies, Contai-I in the month of May 2023 is yet to be disposed of.

It appears that the instant proceeding arises out of the inaction on the part of the respondent authorities to reply to the request made by the petitioner to withdraw/cancel the sale notice as the petitioner is agreeable to repay the loan amount along with interest.

Learned advocate representing the Society submits that the petitioner is required to act in accordance of Rule 191 (I) read with Rule 191 (E) of the West Bengal Co-operative Society Rules, 2011.

Learned advocate representing the State respondents submits, upon instruction that, the

petitioner may take recourse to Section 148 of the West Bengal Co-operative Societies Act, 2006.

Learned advocate for the petitioner submits that approach was made before the sale officer but he declined to consider the prayer of the petitioner.

Without entering the merit of the grievance of the petitioner, as it appears that a legal representation is pending consideration before the Assistant Registrar of Co-operative Societies, accordingly, the instant writ petition is disposed of by directing the respondent no. 4 to take into consideration the legal representation filed on behalf of the petitioner in accordance with the relevant law/Rules after giving an opportunity of hearing to all the necessary parties and to dispose of the same by passing a reasoned order at the earliest but positively within a period of six weeks from the date of communication of this order.

It is made clear that this Court has not entered into the merit of the claim of the petitioner and all the points are left open to be decided by the aforesaid respondent at the time of consideration of the representation.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 17th May, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)