

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 14931 of 2023

Imraj Ali Molla
Vs.
The State of West Bengal & Ors.

Mr. Sanjib Mitra
...for the petitioner

Mr. Answer Mondal,
Mr. Sanatan Panja
...for the State

Mr. Abhratosh Mazumder,
Mr. Chayan Gupta,
Mr. Avirup Mitra
...for the respondent nos. 2 to 5

Affidavit-of-service filed in Court today be kept on record.

Learned counsel appearing for the petitioner moves the present writ petition alleging the irregularities on the part of the respondent-authorities, in cancelling the allotment given to the concerned cooperative society, of which the petitioner claims to be the chief promoter.

It is alleged by the learned Senior Advocate appearing for the respondent nos. 2 to 5, that the allotments were originally given in the year 2006. Till 2016, no list of members was handed over on behalf of the petitioner or the co-operative society, namely, KGN Co-operative Housing Society (proposed). After waiting

for so long, a hearing was given to the petitioner. However, subsequently, on the grounds stipulated in the cancellation order, as communicated on September 18, 2017 to the petitioner, the membership of the co-operative society was cancelled.

It is seen, even from a cursory perusal of the impugned communication containing the order of cancellation dated September 18, 2017 (annexed at page 31 of the writ petition), that sufficient reasons for the cancellation were given by the respondent-authorities. That apart, elaborate hearing was given and reasons were assigned before passing the said order.

Hence, I do not find any illegality or irregularity in the decision-making process of the respondent-authorities in cancelling the allotment to the co-operative society for non-submission of document, misrepresentation of facts, etc.

That apart, the respondent-authorities are justified in arguing that the petitioner waited for so long as about six years before challenging the impugned order of cancellation.

It transpires that the order of cancellation was passed on September 18, 2017 and the present challenge has been taken out only on June 22, 2023, that is, almost about six years thereafter.

There is no plausible explanation or reason given in the writ petition for causing such inordinate delay in taking out the writ petition.

Although the learned counsel appearing for the petitioner seeks to justify the delay on the ground that the petitioner was ill-advised, there is nothing on record to substantiate such pleadings, let alone prove the same.

Accordingly, there is no ground for interference, both on merits and on the ground of delay in preferring the writ petition, which defeats the principle of equity which is implicit in the writ jurisdiction.

Accordingly, W.P.A. No. 14931 of 2023 is dismissed without, however, any order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)