

D/L. 63.
January 13, 2023.
MNS.

WPA No. 23678 of 2022

Pradoot Ghosh
Vs.
Sister Nivedita Institute and others

Mr. Sujit Bhattacharya

... for the petitioner.

Mr. Raja Saha,
Mr. Prantik Garai,
Mr. Domingo Gomes

...for the State.

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

The present writ petition has been filed by
the legal heir (son) of a deceased founder-
member of the respondent no. 1-Institute, which
is a registered organisation.

Learned counsel for the petitioner
contends that the petitioner, in such capacity, is
entitled to the dividends accrued to the
petitioner's mother, since deceased, who was a
founder-member of the said Institute. As such,
the petitioner ought to have been co-opted as a
founder-member and to be given access to the
dividends and other dues of the petitioner's
deceased mother.

A point of maintainability has been raised by learned counsel for the State.

It is clear from the memorandum of the organisation, that is, the respondent no. 1-Institute and its rules and regulations that the term “founder members” have been defined as specific persons, named in the rules and regulations, which also includes the mother of the petitioner (since deceased). However, it is specifically stipulated that they shall be founder members of the organisation and would remain so “till life” and will be entitled to all rights and privileges of membership, but they shall have to pay a token sum of Re. 1/- initially.

In spite of proceeding on the premise that the petitioner is the son of a founder member, in view of the clear definition confining such membership to the lifetime of the founder member only, the petitioner has failed to show any legal right whatsoever to be co-opted as a founder member in place of his deceased mother. Inasmuch as the entitlement of the petitioner to the purported dividends as alleged, this is not the appropriate forum for deciding such issue.

Since there is no specific stipulation in the annexed documents as regards whether the

dividends or other amounts, if accrued to a founder member, are to devolve on the heirs of the said founder member, no such relief can be granted herein.

As such, WPA No. 23678 of 2022 is dismissed on contest.

In the event the petitioner is entitled to any civil rights with regard to any sum, if at all accrued to the petitioner's deceased mother, either in respect of Sister Nivedita Institute (respondent no. 1) or otherwise, nothing in this order shall preclude the petitioner from claiming such rights before a competent civil court.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)