

Sl. No.63
21.11.2024
Suman
Ct. 15

WPA 1495 of 2024

Debashis Mitra & Ors.
Vs.
The State of West Bengal and Ors.

Mr. Ayan Kumar Borah
..for the petitioners

Mr. N. C. Bihani
Ms. Manisha Nath
..for respondent no.8.

Mr. P. K. Roy
Mr. P. S. Pal
..for respondent nos. 2 and 3.

Mr. Ashim Kumar Ganguly
Mr. Tarak Karan
..for the State

In the earlier round of writ petition (WPA 24334 of 2023), the petitioners raised several allegations of illegalities committed by the Golepark Co-operative Housing Society Limited and its office bearers. The said writ petition was disposed of by a Co-ordinate Bench of this Court by an order dated October 13, 2023, which directed the Joint Registrar of Co-operative Societies, KMAH (Kolkata Metropolitan Area Housing) Cell, to take appropriate steps to address the petitioners' grievances, after providing due opportunities for hearing to all necessary parties.

In compliance with the said order, the Joint Registrar of Co-operative Societies, KMAH Cell, examined two complaints—dated April 24, 2022, and February 23, 2022—filed by several members of the Society. The complaints alleged mismanagement of the Society and the arbitrary enhancement of the maintenance charges. After conducting an inquiry and providing an opportunity for hearing to all concerned parties, the Joint Registrar issued the following directions:

“i. The Chairperson of the society is directed to issue notice for holding of Annual General Meeting to place two directions dated 05/08/2022 and 23/09/2022 issued by the undersigned and submit the resolutions of the Annual General Meeting soon after the holding of said meeting, but in the meantime present secretary is restrained to act as secretary of the society.

ii. Maintenance charge @ 0.60 paisa per sqft. Instead of Rs.1.40 per sqft. shall be taken from each member upto approval of AGM and also in terms of Rule 148(2) of WBCS Rules, 2011.

iii. Rival parties are at liberty to take recourse of Section 102 of WBCS Act, 2006 if they so desire.”

The order dated 13/10/2023 of Hon’ble High Court in WPA 24334 of 2023 is complied herewith. Let the plain copy of this Order be served to the parties concerned.”

Learned counsel for the petitioners, upon instruction from Petitioner No. 1, submits that there is no objection to the holding of the Annual General Meeting of the Society. However, he submits that the maintenance charge should be further reduced.

I am of the view that since the Joint Registrar of Co-operative Societies, KMAH Cell, has already granted liberty to the parties to take recourse under Section 102 of the West Bengal Co-operative Societies Act, 2006, no further order is required to be passed in this writ petition.

Accordingly, **WPA 1495 of 2024** is disposed of.

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

(Kausik Chanda, J.)