

AD-01
Ct No.09
28.03.2024
TN

WPA No. 7148 of 2024

Ayeshbag Samabay Krishi Unnayan Samiti Limited
and another
Vs.
The Sale Officer and CDO, Murshidabad District Central
Co-operative Bank Limited and others

Mr. Arijit Bardhan,
Mr. S. Dasgupta,
Mr. Steven S. Biswas

.... for the petitioners

Mr. Krishnendu Banerjee,
Mr. Md. Idrish,
Mr. Ishan Ganguly

.... for the respondent no. 2

1. At the outset, an objection as to *locus standi* is taken.
It transpires from the cause title of the writ petition that the petitioner no. 1 is a Society which is purportedly represented by petitioner no. 2, claiming to be the Secretary of the said Society.
2. However, learned counsel for the respondent no.2 points out that the Board of the Society has already been dissolved and, as such, the petitioner no.2 does not have *locus standi* to represent the Society.
3. Learned counsel for the petitioners argues that an Observer was appointed after dissolution of the Board who has since passed away in January. However, the remedy of the petitioner no. 2 lies, if aggrieved due to the vacuum created on the passing away of the observer, in approaching the appropriate forum for

appointment of a further Observer or taking due steps in that regard. However, as on date, the petitioner no.2 cannot represent the Society or litigate in the capacity of its Secretary and hence the writ petition is bad for lack of *locus standi* of the petitioner no.2.

4. Accordingly, WPA No. 7148 of 2024 is dismissed on the ground of *locus standi* without any order as to costs.
5. Liberty, however, is given to the petitioner no.2, if otherwise entitled to in law, to canvass personal causes of action with regard to the affairs of the Society, if any, in an appropriate proceeding/writ petition.
6. The copy of a memo dated March 12, 2024 handed over by learned counsel for the respondent no. 2 in respect of the completion of tenure of the erstwhile Board be kept on record.
7. 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.)