

Item No.38
26.04.2024
S.H.

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

W.P.A.8190 of 2024

**Jyotirmoy Chakraborty & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Subhajit Panja
...For the Petitioners.**

**Mr. Krishna Pada Pal
Mr. Kamal Krishna Pathak
... for the respondent nos. 4.5 & 6.**

**Mr. Lalit Mohan Mahata. AGP
Mr. Prasanta Behari Mahata
... for the State.**

**Mr. Srijan Nayak
Ms. Ankit Sureka
Mr. Sanjay Mukherjee
... for the respondent nos. 2 & 3.**

The order dated March 4, 2024 passed by the Assistant Registrar of Co-operative Societies, Co-operation Directorate, Paschim Bardhaman Range is impugned in the instant writ petition.

It appears that the dispute case filed by the petitioner has been held to be not maintainable as the statement of the subject of disputes along with the copies of the document relied upon was not supplied.

The petitioner has annexed the dispute case.

It has been submitted that all the documents in connection with the dispute case was filed before the said authority.

On a perusal of the impugned order it appears that the same is a very cryptic one. Had any document been wanting, the authority ought to have intimated the same to the petitioner and thereafter disposed of the matter.

It appears that the order has been passed without proper application of mind and without granting any opportunity of hearing to the petitioner. Principle of natural justice was not followed.

In view of the above, the impugned order is liable to be set aside and is, accordingly, set aside.

The Assistant Registrar of Co-operative Societies before whom the dispute case was filed is directed to decide the issue in accordance with law at the earliest.

As the writ petition is being disposed of without calling for any affidavits, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

Steps shall be taken to decide the issue at the earliest but positively within the statutory period of six months.

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

(Amrita Sinha, J.)