

Item No.42
26.04.2024
S.H.

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

W.P.A.9009 of 2024

**Dr. B.C. Roy Co-operative Colony Society Ltd.
-versus
The State of West Bengal & Ors.**

**Mr. Arbind Singh
Mr. Srinjoy Das
Mr. Saroj Banerjee
Ms. Jui Jana
Ms. Supriya Kanan
...For the Petitioner.**

**Mr. Masikul Shaikh
... for the State.**

**Mr. P.K.Ray
Mr. Ankit Sureka
Mr. Asis Dutta
... for the Registrar.**

Leave is granted to the learned advocate for the petitioner to add the Registrar of Co-operative Societies as party respondent in the instant writ petition. Let a copy of the writ petition be served upon the learned advocate who is present in Court representing the Registrar of Co-operative Societies.

The petitioner, Co-operative Society, is aggrieved by the act of the respondent nos. 6 and 7 who are non-members of a Co-operative Society to purchase land of the Society contravening Rule 138(1) of the West Bengal Co-operative Societies Rules, 2011.

The petitioner prays for a direction upon the Inspector General of Registration and Commissioner of Stamp Revenue not to register any property of the Co-

operative Society in the absence of a written consent/deemed consent from the Society/Registrar of Co-operative Societies in terms of Rule 138.

It has been submitted that the land in question belongs to the Refugee and Rehabilitation Department and is recorded under Khatian-1 of the land records.

It appears that the land of the Co-operative Society has already been registered in favour of the respondent nos. 6 & 7. No written consent was obtained either from the Society or deemed consent obtained from the Registrar of the Co-operative Societies prior to the transfer being made.

Whether the land in question was transferable without any consent or not is to be looked into upon perusal of the conveyance deed. Even if the land could have been transferred after a lock-in period, if any, the aforesaid Rule is required to be followed.

The allegation is that the Rule has not been followed and the transfer has been made contrary to the aforesaid provision.

In view of the above, it will be open for the petitioner to approach the Registrar of Co-operative Societies with its grievances.

The Registrar of Co-operative Societies is directed to decide the issue after hearing all the necessary parties and, if required, to take up the matter with the Inspector General of Registration and Commissioner of Stamp Revenue so that transfer of land/property of Co-operative Society is not registered unless the same is accompanied by a written consent from the Society or

deemed consent from the Registrar of Co-operative Societies.

A decision shall be taken by the Registrar of Co-operative Societies in accordance with law, at the earliest after giving reasonable opportunity of hearing to all the necessary parties.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)