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10.05.2024
d.p.

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

W.P.A. 10341 of 2024

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

**Mr. Srinjoy Das,
Mr. Arvind Kumar Singh.
...For the Petitioners.**

**Mr. Srijan Nayak,
Ms. Rituparna Maitra.
...For the Respondent No.1.**

**Mr. P.K. Roy,
Mr. Biplob Das.
...For the Respondent
Nos. 2 and 3.**

Affidavit-of-service filed in Court today is taken on record.

None appears on behalf of the Cooperative Society and the respondent no.5.

The petitioner no. 1 is a member of the Cooperative Society. She wants to transfer her share and membership and the allotment which comes with the membership in favour of the petitioner no.2. The respondent no. 5 is the Secretary of the Cooperative Society.

Neither the Cooperative Society being the respondent no.4 nor the respondent no. 5 are taking steps to consider the application made by the petitioner no. 1.

The petitioner seeks necessary direction upon the Registrar to consider the entire issue.

The unserved envelopes of the respondent nos. 4 and 5 are opened in Court and the copy of the writ petitions are handed over to the learned advocate appearing for the petitioner. The empty unserved envelopes are retained with the records.

Learned advocate appearing for the respondent authorities refer to Section 64 of the West Bengal Cooperative Societies Act, 2006.

The same mentions that any person eligible for membership under Sub-section 1 of Section 63 may apply to the Cooperative Society for admission as a member thereof in the form and manner as prescribed. The said application for membership shall be disposed of by the Cooperative Society within a period of 45 days from the date of receipt of the application.

The decision of the Cooperative Society on such application is to be communicated to the applicant within 15 days from the date of such decision and if no such communication is received, the application shall be deemed to have been accepted on the expiry of 60 days from the date of receipt of the application by the Cooperative Society.

In the instant case, the time period within which the Cooperative Society ought to act on receipt of the application for membership and communicate the decision to the applicant has long expired. In view of the deeming provision, the application for transfer of membership has to be treated as accepted by the Cooperative Society.

By virtue of the deeming provision, the membership along with the allotment is liable to be

transferred. The Cooperative Society, for reasons best known to the Society, is not taking steps in terms of the provisions of the Act.

In view of the above, the Registrar of Cooperative Society or the Joint Registrar of Cooperative Societies, RTAH Cell or any other competent authority is directed to consider the prayer of the petitioners for grant of consequential benefit on acceptance of membership in favour of the petitioner no. 2 by giving reasonable opportunity of hearing to all the necessary parties.

In the event the Society or its representative does not appear in the hearing, then necessary order may be passed by the authority.

Steps shall be taken in the matter by the respondent authority in accordance with law, at the earliest, but positively by the first week of July 2024.

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.)