

W.P.A. 13538 of 2019

**Sri Ashok Mal
Vs.
State of West Bengal & Ors.**

Mr. Subir Banerjee
...for the petitioner

Mr. Srijan Nayak
Mr. Ankit Sureka
Mr. Biplab Das
...for the Registrar

Mr. Pradip Kumar Roy
Mr. Partha Sarathi Pal
...for the State

Mr. Triptimoy Talukder
...for the respondent nos. 4 and 5

By presenting this writ petition, petitioner has prayed for handing over possession of plot nos. 320 and 321, Khatian No. 37/2, under Mouza-Rahatpur, measuring 4.78 acres in the District-Paschim Midnapore in his favour.

However, during course of hearing it has been submitted by the learned advocate for the petitioner that in dispute case pending before Assistant Registrar, Co-operative Societies, Purba Midnapore Range-I an order was passed on 9th July, 2007 by the Arbitrator and Co-operative Development Officer whereby auction sale held on 25th April, 2006 was cancelled due to unjustified land value and an order was passed directing Ghatal Co-operative Agricultural and Rural Development Bank to refund the bid value to the tune of Rs. 1,74,000/- to the

petitioner who, by participating in the auction sale, deposited the amount on 25th April, 2006 and on 9th May, 2006 in two phases.

The grievance of the petitioner as it has been submitted by the learned advocate for the petitioner though a different prayer has been made in the writ petition is that in terms of the order dated 9th July, 2007 passed by the Arbitrator the said bid amount was required to be refunded to the petitioner contemporaneously, but since the same was not done by the aforesaid bank, the principal amount along with interest is required to be paid in his favour immediately.

Today, the bank is represented by learned advocate who submits that after the award was passed on 9th July, 2007 bank tried to pay the aforesaid sum to the petitioner, but the same was refused since petitioner was praying for settlement of land in his favour in consideration of payment which was made in auction.

Today, Mr. Ankit Sureka, learned advocate representing the Assistant Registrar, Co-operative Societies, Paschim Midnapore Range has filed report in the form of affidavit affirmed on 19th February, 2024 which is taken on record and the same is perused.

In the report, the Assistant Registrar, Co-operative Societies, Paschim Midnapore Range has also averred that the amount which was deposited by the petitioner by participating in the auction on 25th April, 2006 is

required to be paid by bank pursuant to the order dated 9th July, 2007 issued by the Arbitrator.

Having considered the submissions made by the parties Court directs the concerned authority of Ghatal Co-operatives Agricultural and Rural Development Bank Limited being the respondent no. 4 to pay Rs. 1,74,000/- along with interest as directed by the Arbitrator and Co-operative Development Officer by passing order dated 9th July, 2007 to the petitioner by fortnight from date.

With the aforesaid directions, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)