

22.08.2024

Item No.05

Crt.No.02

b.r.

WPA 21331 of 2024

Krishna Roy & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Kalyan Kumar Chakraborty

Mr. Vivek Kumar Pandey

Mr. Gopal Krishna Sarkar

..... for the petitioners.

Mr. Soumitra Bandyopadhyay

Mr. Priyabrata Batabyal

....for the State.

On the urgency pleaded on behalf of the petitioners and in view of the determination being assigned before this Court, this writ petition has been taken up for consideration by publishing the same in the daily cause list.

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

This is the second round of writ litigation challenging the alleged affairs of the relevant co-operative society.

In the first round of writ litigation, this Court disposed of the same by its order dated **June 13, 2024 annexure P-2 at page-20** to the writ petition directing the jurisdictional Block Development Officer (BDO) to

dispose of the representation of the petitioner with a reasoned finding as directed therein.

Pursuant to and in terms of the said direction, the jurisdictional B.D.O. passed its reasoned order dated **July 15, 2024 at page-25** to this writ petition.

The petitioners claim to be two individual members of the concerned co-operative society. Referring to the notices to hold general meeting of the co-operative society both dated **August 1, 2024 annexure p-4 at pages 28 and 29** to the writ petition, the petitioners submit that these two notices have been received by these petitioners.

Mr. Kalyan Chakraborty, learned counsel appearing for the petitioners submit that, though the general meeting of the co-operative society is fixed on **August 23, 2024** but the petitioners had received these notices one day before filing the writ petition.

Learned counsel for the petitioners further submits that most of the other members of the co-operative society have not received to said notices intimating that the general meeting of the co-operative society shall be held on **August 23, 2024**. He further submits that the agendi mentioned in the said two notices are vague and general and the content of the notice and the issuance thereof is in violation of the said reasoned order dated **July 15, 2024**. He further submits

that the signature of the issuing authority of the notice as appearing on the notices is also forged.

Mr. Priyabrata Batabyal, learned State counsel led by Mr. Soumitra Bandopadhyay, learned State counsel appears for respondent nos. 1 to 3.

Rest of the respondents are not represented.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, it appears to this Court that, two individuals are the petitioners herein who have admittedly received the said notices both dated **August 1, 2024, annexure p-4** to the writ petition. No other members of the co-operative society are before this Court. The petitioners can only espouse their own cause and not the cause of others, who are not parties to the proceeding. This is not a public interest litigation.

The petitioners claim to be members of the co-operative society have every right to participate in the said general meeting scheduled on **August 23, 2024** and raise their objections therein, if any. In the event such objections are raised the Board of the Co-operative Society shall record the same in its minute and the resolution to be adopted by the co-operative society in the said general meeting, in accordance with law.

Therefore, this Court is of firm view that by issuance of the said two notices both dated August 1,

2024 received by the petitioners, neither any fundamental right nor any other right of the petitioners have been infringed, as the petitioners have right in law to raise their objection by participating in the meeting.

For the foregoing discussions and reasons, this Court is of the considered view that, this writ petition is totally devoid of any merit and liable to be dismissed.

Accordingly, this writ petition **WPA 21331 of 2024** stands **dismissed**, without any other as to costs.

It is clarified that there shall no fetter on the part of the co-operative society to proceed with the general meeting in terms of the said notice dated **August 1, 2024** but in the event any objection is raised by the petitioners, the same shall be reflected in the minute and the necessary resolution to be adopted in the general meeting.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)