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05.04.2024
d.p.

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

W.P.A 25213 of 2022

**Dr. Jasomay Saha
-versus
The Chairman of West Bengal State Co-
operative Housing Federation Limited & Ors.**

**Mr. Dilip Kumar Saha,
Mr. Suman Chattopadhyay,
Ms. Dhriti Das.
...For the Petitioner.**

**Mr. Srijan Nayak,
Mr. Ankit Sureka,
Ms. Rituparna Maitra.
...For the Registrar of
Co-operative Societies.**

**Mr. Arnab Sinha,
Mr. Debanik Das.
...For the Respondent
Nos. 1 to 4.**

The petitioner took a loan from the West Bengal State Co-operative Housing Federation Limited in the year 2006 for construction of a dwelling house. The said loan amount has not been liquidated till date.

The petitioner submits that there are genuine reasons for not being able to pay off the dues.

According to the Co-operative Society, a sum of Rs.22,22,314.62/- (Rupees twenty-two lakh twenty-two thousand three hundred fourteen and paise sixty two only) is due and payable by the petitioner.

The Board of Directors of the Co-operative Society arrived at the aforesaid figure after consideration of the request made by the petitioner by waiving the penal interest.

The petitioner is aggrieved by the amount that has been fixed by the Co-operative Society.

Learned advocate appearing for the Registrar of Co-operative Societies raises an issue with regard to the maintainability of the writ petition before this Court. It has been submitted that it is an absolute private arrangement between the petitioner and the Co-operative Society. The issue may be decided by the competent civil court.

From the submissions made on behalf of all the parties, the Court is not satisfied with regard to the maintainability of the writ petition. There are several disputed questions of facts and figures that are to be adjudicated. The same cannot be done in a writ proceeding.

It will be open for the petitioner to approach the competent forum for relief.

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.)