

ML 01
04.03.2024
d.p.

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

W.P.A. 25233 of 2023

**Kalyan Kumar Nag & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal.
...For the Petitioners.**

**Ms. Jyoshna Roy Mukherjee,
Mr. Md. Ziaul Rahaman.
...For the State.**

**Mr. Pradip Kumar Roy,
Mr. Partha Sarathi Pal.
...For the Respondent
Nos. 2 and 3.**

**Mr. Krishnendu Banerjee,
Md. Idrish,
Mr. Ishan Ganguly.
...For the Respondent
Nos. 8 and 9.**

The petitioners are the depositors and members of the Ayeshbagh Samabay Krishi Unnayan Samity Limited.

Allegation is that the money that has been deposited by the petitioners in the aforesaid Cooperative Society are not being refunded to them and the petitioners are not also allowed to operate their Bank Account.

It appears from the submissions made on behalf of all the parties and upon perusal of the order dated 7th July, 2023 passed in C.O. 243 of 2022 with CAN 1 of 2023 (Ayeshbag Samabay Krishi Unnoyon Samiti

Ltd. –vs- Murshidabad District Central Cooperative Bank Ltd.) that the dispute is required to be decided by the Registrar of Cooperative Societies.

In view of the above, leave is granted to the petitioners to apply before the Registrar of Cooperative Societies under Section 102 of the West Bengal Cooperative Societies Act, 2006.

The said authority shall take necessary steps to adjudicate the dispute in accordance with law and in line with the direction passed by a coordinate Bench of this Court on 7th July, 2023 in C.O. 243 of 2022 (supra).

Steps shall be taken in the matter at the earliest, but positively within a period of eight weeks from the date of communication of this order.

It will be open for the Registrar to lodge complaint(s) and initiate proceeding(s) before the competent forum, if any financial irregularity is detected.

All necessary remedial steps shall be taken by the Registrar to ensure that the irregularity that has been detected is properly dealt with in accordance with law.

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.)