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Ct 14

WPA 28865 of 2023

Smt. Gouri Sheet & anr.

-vs-

The State of West Bengal & ors.

Mr. Pratip Kr. Chatterjee

Mr. Masud Mallick

...for the petitioners

Mr. Asish Kumar Guha

Mr. Anirban Dutta

...for the State respondents

Affidavit of service filed on behalf of the petitioners is taken on record.

It appears that the private respondents refused to accept service.

Report filed on behalf of the State is also taken on record.

Copy of the same is handed over to the learned counsel for the petitioners.

Learned counsel for the petitioners submits as follows. The petitioners are the chairman and vice-chairman of a co-operative society. The private respondents by forging their signatures and seal created forged documents and thereafter, forcibly took away the key of the office in question. A complaint was made to the local police station and thereafter to the Superintendent of Police, but no action was taken.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Regular meetings were not held in the co-operative society. This led to division of the members in two parts. There is a factional feud in the society. The matter is purely civil in nature.

It appears that differences exist between members of the co-operative society. This could fairly lead to a dispute concerning running of co-operative societies.

However, so far as the complaint made before the police are concerned, if the petitioners are of the view that a cognizable case is made out, they shall be at liberty to proceed in terms of the ratio laid down in Aleque Padamsee's Case, (2007) 6 SCC 171.

No further order need be passed in this regard.

However, the police shall keep a strict vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)