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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5204 of 2025

Sagar Paul @ Sagar Pal
Versus
The State of West Bengal & Ors.

Mr. B. K. Panda
Mr. Raju Mondal
... For the petitioner

Mr. Srijan Nayak
Ms. Rituparna Maitra
Mr. Biplab Das
... For the respondent no.3.

1. The instant writ petition has been filed, inter alia, praying for a direction upon the Ispatpally Cooperative Hosing Colony Society Ltd., (hereinafter referred to as the “said Society”) to enroll the petitioner as member on the death of his father.
2. *Prima facie*, upon going through the averments made in the petition and the documents on record it would transpire that the petitioner is aggrieved by the failure on the part of the said Society to take steps in consonance with the provisions of Section 64 of the West Bengal Cooperative Societies Act, 2006 (hereinafter referred to as the “said Act”). The petitioner claims that his father Radha Madhab Paul died on 14th May, 2021 and his mother Pramita Paul having pre-deceased his father, the petitioner being the legal heir, had accordingly applied before the

authorities/society to enroll him as a member. Unfortunately, no steps had been taken by the said Society. Perusal of Section 64 of the said Act would demonstrate that specific provisions have been laid down for admission of member. To morefully appreciate the aforesaid Section, the same is extracted hereinbelow:-

*“64. **Admission as member:** (1) Any person eligible for membership under sub-section (1) of section 63 may apply to the co-operative society for admission as a member thereof in the form and manner as prescribed.*

(2) Every application for membership shall be disposed of by the co-operative society within a period of forty-five days from the date of receipt of application. the decision of the co-operative society on such application shall be communicated to the applicant within fifteen days from the date of such decision. If no such communication is received, the application shall be deemed to have been accepted on the expiry of sixty days from the date of receipt of the application by the co-operative society.

(3) No co-operative society shall, without sufficient cause refuse admission to any person duly qualified for membership under this Act and the by-laws of the co-operative society. Where the application is so refused, the decision with reason shall be communicated by

registered post or by hand delivery to such person within fifteen days from the date of decision. Any person whose application for membership has been refused by the co-operative society may appeal to the Registrar within thirty days from the date of receipt of the decision communicated to him.

(4)The Registrar shall dispose of the appeal within sixty days from the date of receipt of the appeal and pass such order, as he thinks fit and such order shall be final”.

3. The above would further demonstrate that the cooperative society shall within forty-five days from the date of receipt of an application take a decision thereon and communicate the same within fifteen days from the date of such decision. If no communication is received, the application shall be deemed to have been accepted on the expiry of sixty days from the date of receipt of the application by the cooperative society.
4. From the affidavit of service filed in Court today, which is taken on record, it would appear that the cooperative society has been served. Despite service, the cooperative society is not represented in Court. As such, it is difficult to ascertain whether any application, in requisite format, was filed by the petitioner with the society.

5. At this stage, without going into the issue as to whether the petitioner has a right to enroll himself as a member and as to whether the petitioner had made any application in requisite format for being considered by the cooperative society, I am of the view that it shall be prudent to direct the cooperative society to take a decision with regard to the petitioner's representation/application dated 5th September, 2024 and such decision must be communicated to the petitioner within a period of six weeks from the date of communication of this order.
6. It is made clear, if the petitioner is aggrieved by the decision to be taken by the cooperative society, the petitioner shall be at liberty to avail the remedy as provided for in Section 64(3) of the said Act.
7. Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.
8. With the above observations and direction the writ petition is disposed of.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of requisite formalities.

(Raja Basu Chowdhury, J.)