

13-06-2025
ct no. 13
Sl. 20
pk

M.A.T. No. 757 of 2025
CAN 1 of 2025
Joydev Mondal
-Versus-

State of West Bengal and others

Mr. Kallol Basu, Sr. Adv.
Ms. Shraboni Sarkar,
Ms. Krishna Yadav,
Ms. Srijita Sen
... for the appellant.

Mr. Pradip Kumar Roy,
Mr. Biplab Das,
Mr. P. S. Pal
... for the respondent nos. 2 and 3.

Mr. Sharanya Chatterjee,
Mr. Subhajit Barman
... for the respondent no. 6.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra,
Mr. Ankit Sureka
...for the Co-operative Election Commission.

1. An order dated 29.04.2025 is impugned in the instant proceedings. The grievance of the writ petitioner was with regard to membership of 4 persons in the Society compromising of 44 members.
2. It is submitted that the transfer of 4 plots-in-question by the original allottee members is contrary to by-laws. Such dispute is required to be adjudicated under Section 102 by the Registrar under the WBCS Act, 2006.

3. For the aforesaid purpose, the appellant shall be entitled to initiate a dispute case under Section 102 of the WBCS Act, 2006 as per the applicable Rules before the Registrar, who shall dispose of the same as expeditiously as possible.
4. The prayer for stay of the election process, which has substantially progressed and fixed for official declaration on 15th June, 2025 does not call for interference. The process of election may subsequently be challenged, if so advised after the decision by the Registrar under Section 102 as indicated above.
5. Since the Society-in-question is housing society, it is expected that the parties amicably resolve all their disputes amongst themselves without resorting to litigation.
6. With the aforesaid observations, the instant appeal is disposed of. Consequently, CAN1 of 2025 is also disposed of.
7. All the parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)

