

24.06.2025
sayandeep
Sl. No. 09
Ct. No. 05

WPA 11885 of 2025

Sri Jagadish Khatua & ors.
Vs.
The State of west Bengal & ors.

Mr. Snehasis Jana
Mr. Chandradhur Lahiri
Mr. Tutun Das

.... for the petitioners

Mr. Jayanta Samanta
Mr. Tamal Taru Panda

....for the State

Mr. Srijan Nayak
Mr. Ankit Sureka
Mr. Biplab Das

....for the respondent Nos. 2
& 3

Mr. Madan Mohan Roy

.....for the respondent Nos.
5,7,9, 10,11

1. Challenging an order dated 30th May, 2024 passed by the West Bengal Co-operative Tribunal arising out of an award dated 22nd August, 2019 passed in dispute case No. 03/DIS/18-19, the instant writ petition has been filed.
2. The petitioners' case proceeds on the premise that the petitioners were members of Balighai Unemployed Youth Co-operative Bakery Society Ltd., a society registered within the meaning of Co-operative Societies Act, 2006 (hereinafter referred to as the said Act). The Board of Directors of the society by executing two separate registered sale deeds bearing Nos. 6341/2021 and 6342/2021 had transferred all property situated in district Purba Medinipur, Egra P.S Mouza- Kamalpur, JL

No. 218, Hal Khatian No. 272/1, Bagan 10 decimal in the eastern side out of 20 decimals and the property J.L. No. 218, Hal Khatian No. 272/1, Bagan 10 decimals out of 20 decimals on the western side as described in page-42 of the writ petition. The society has since been dissolved.

3. Subsequently a dispute case was initiated by the petitioners which was registered as dispute case No. 03/DIS/2018-2019 challenging the sale of the property, inter alia, on the ground that the said society being a society for unemployed and the Directors of the said society were found to be Government employees, the entire sale transaction initiated by the said Board of directors through the Secretary is illegal and void as also praying therein for the following relief.

“a) For an Award by declaring the Sale Deed being No.6341/2011 and 6342/2011 dated 19/01/2011 registered at Egra Additional District Sub-Registrar, at Egra as mentioned in the "B" Schedule to be void and illegal sale deed.

b) For an Award declaring defendant No.1 Society's right, title, interest and possession over "A" schedule property and also declaring defendant No.8 acquires no valid right, title, interest and possession over the "A" schedule property by virtue of two illegal and valid sale deeds.

c) For any other interlocutory order/orders as your honour deem fit and proper.

d) For an Award in respect of the cost of the dispute case and also damages for illegal occupation of defendant No.8.

e) For all other order/orders, relief/reliefs as the plaintiffs are entitled to get in law and equity.”

The petitioners did not succeed and an award dated 22nd August, 2019 was passed. Challenging such award, an appeal was filed before the West Bengal Co-operative Tribunal which was registered as appeal case No. 65/2019 and which came to be disposed of by the order dated 30th May, 2024.

4. Mr. Lahiri, learned advocate appearing in support of the present writ petition would submit that the petitioners were not aware with regard to the members of the Board of Directors being employed at the relevant point of time and accordingly the entire sale initiated by the Board of Directors through the Secretary is void. This apart, according to the petitioners, the Board did not obtain any permission from the Assistant Registrar of Co-operative Society, Purba Medinipur II range at the time of selling of the property. No auction took place for sale of the property as detailed hereinabove. The aforesaid aspects were not appropriately considered by the appellate tribunal.
5. Heard learned advocates appearing for the respective parties and considering the materials on record, *prima facie*, I find that a plot of land measuring 20 decimals was purchased in the name of the said society whereupon a building was constructed for the purpose of using the same as factory and office in the year 1978. As

per the accounts of the said society the accounts were last audited in the year 2010-11. The last Board of Directors of the society was valid upto 16th February, 2012. In the Annual General Meeting held on 7th February, 2010 it was resolved that the property of the society would be sold. Following the above sale took place. The petitioners are beneficiary of the aforesaid sale. The petitioners individually had received a sum of Rs. 1,37,500/- which is noted in the order passed by the learned Tribunal. I find that the point raised by the petitioners has duly been considered by the learned Tribunal. From the order passed by the Tribunal, it would transpire that the decision to sale property was taken in the annual general meeting wherein not only the petitioners but the other members of the co-operative society were present and the petitioners including the other members had given consent to sale the property. In addition to the aforesaid, it has been recorded in the above order that in the meeting other issues were also discussed wherein the petitioners are present.

6. None of the members had raised any objection as regards sale. Having regard thereto, the tribunal was of the view that the petitioners had no right to challenge the same on technical grounds that to after 8 years from the date of sale. I find that the Board of Directors has appropriately considered the case made out by the petitioner. It is not a case of violation of principle of natural justice. The petitioners have failed to make out

any case of perversity. Admittedly the petitioners has consented to the sale and obtained benefit thereof. The petitioners thus being beneficiary of the sale, and having obtained sale proceeds, in my view, are not entitled to challenge the same. In any event, the aforesaid aspects have duly been considered by the learned West Bengal Co-operative Tribunal. The petitioners have also not been able to identify any jurisdictional error on the part of the Tribunal to consider the aforesaid matter.

7. In view thereof, the writ petition fails and accordingly dismissed without any order as to costs.

(Raja Basu Chowdhury, J.)