

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 14558 of 2024

Subir Ranjan Biswas
Versus
The State of West Bengal & Ors.

Mr. Tanoy Chakraborty
Mr. Chhandak Dutta
... For the petitioner.

Mr. Srijan Nayak
Ms. Rituparna Maitra
... For the State

Mr. Ankit Sureka
Mr. Biplob Das
Mr. Asis Dutta
... For the respondent nos. 2 and 3

Mr. Madan Mohan Roy
... For the respondent nos. 4 to 8

1. Affidavit of service filed in Court today is taken on record.
2. The instant writ petition has been filed, inter alia, praying for a direction upon the respondent authorities to consider the representation made by the petitioner on 17th November, 2021 and 1st May, 2024 with a further direction upon the respondents to make inspection regarding embezzlement of funds.
3. The petitioner is an allottee of flat no.5 of Abasar Co-operative Housing Society Limited. The petitioner claims to be a founder member of the housing society.

The petitioner had voiced his grievances as regards the allottee of flat no.8 of the aforesaid society, purchasing an independent house in the same locality and upon shifting to his independent residence having transferred the flat to his daughter and later having rented the same. It is the petitioner's case that the allottee of flat no.8 had got himself illegally elected as chairman and his daughter illegally elected as treasurer, with the connivance of allottee of flat nos. 2 and 7. Since, the above acts are dehorse the provisions of the Cooperative Societies Act, 2006 (hereinafter referred to as the "said Act"), the petitioner had filed a detailed representation on 17th November, 2021 in that regard. The same was later followed by a further representation dated 1st May, 2024. No steps have, however, been taken by the respondents.

4. Having heard the learned advocates appearing for the respective parties and without going into the correctness of the allegations made in the aforesaid representations, I am of the view that the respondent authorities ought to have considered the representations made by the petitioner.
5. In view thereof, let the writ petition be disposed of by directing the respondent no.3 or its delegate to consider the petitioner's representations, forming Annexure P-8 and P-11 to the writ petition, in

accordance with law within a period of eight weeks from the date of communication of this order.

6. Since no affidavit-in-opposition has been called for, the allegation made in the writ petition are deemed to have been denied by the respondents.

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

(Raja Basu Chowdhury, J.)