

D/L7
18.03.2025
Rohit
ct.no.26

FMA 22 of 2025

**Bimalendu Chatterjee(since deceased Through his
legal heirs)
Versus
A.C. Kol, Secretary, Government of West Bengal
& Ors.**

Mr. Debanik Banerjee
Mr. Sayak Chakraborti
Mr. Wrickbrata Roy

...for the Appellants

Mr. Debashis Banerjee
Mr. Subrata Saha
Mr. Rakesh Jana

...for the Respondent No.4

Mr. Srijan Nayak
Mr. Ankit S.
Mr. Partha Sarathi Pal

...for the Registrar of
Co-operative Society

Appeal is at the behest of the heirs and legal representatives of the original writ petitioner and directed against the order dated August 29, 2024 disposing of W.P.A 16285 of 1996.

Original writ petitioner was a member of the society. He was expelled from such society on certain allegations. Expulsion order was challenged in a writ petition which resulted in the impugned order.

By the impugned order, learned Single Judge held that since the original writ petitioner is dead, the

allegations as against him need not be decided. Expulsion of the original writ petitioner from the society was upheld. Appellants were allowed to approach the respondent no. 3 in the writ petition for the purpose of fixation of the value of the share held by the deceased father of the appellants.

Learned Advocate appearing for the appellants submits that, the appellants are not aggrieved by the portion of the order directing the respondent no. 3 to determine the value of the share. Appellants are aggrieved by the decision of the learned Single Judge in not deciding the issue of stigma attached to the expulsion of the deceased father of the appellants.

The Society is represented.

In order to bring about a quietus amongst the parties before us, it would be appropriate to hold that, no stigma is attached to the deceased father of the appellants by the decision of expulsion of the deceased father of the appellants from the society concerned. However, we clarify that, the decision of expulsion remains valid.

Since the impugned order directs the parties to approach the respondent no.3 to determine the value of the share held by the deceased father of the appellants and consequential relief with regard

thereto, and since such portion is not under appeal, we need not interfere with the same. We, however, extend the time for the parties to approach the respondent no.3 in the writ petition for such purpose for a period of four weeks from date.

FMA 22 of 2025 stands disposed of accordingly.

All parties shall act on the Server Copy of this order duly downloaded from the Official Website of this Court.

(Debangsu Basak, J.)

(Smita Das De, J.)