

09.01.2025  
Item No.18  
gd/ssd

WPA(P)/471/2024

JAYANTA KUMAR BANERJEE  
VS  
STATE OF WEST BENGAL AND ORS.

Mr. Saheb Banerjee  
..for the Petitioner.

Mr. Jaharlal De,  
Ms. Tanwishree Mukherjee  
..for the State.

Mr. Sharanya Chatterjee  
..for the Respondent No.2.

Ms. Rituparna Maitra  
..for the Respondent Nos.6 and 7.

Mr. Ankit Sureka,  
Mr. Biplab Das  
..for the Respondent No.10.

1. The petitioner alleges that several persons have been enrolled as members of the 10<sup>th</sup> respondent/Cooperative Housing Society, who are not ex-service men.

2. In this regard, representation has been given pointing out one instance, namely, one Umesh Kumar Singh/the 9<sup>th</sup> respondent. The petitioner in the representation is admitted that the membership of the 9<sup>th</sup> respondent has already been cancelled.

3. The term of the elected Board of the Cooperative Housing Society has expired and the 11<sup>th</sup> respondent, namely, the Special Officer is in charge of the affairs of the Cooperative Housing Society.

4. Therefore, we direct the petitioner to give a fresh representation pointing out instances where members have been enrolled in the Society who are not eligible to be enrolled as they are not ex-service men. On receiving the representation, the Special Officer shall examine the records, issue notices to such persons to establish their credentials and thereafter pass the reasoned order on merits and in accordance with law after following the principles of natural justice.

5. This direction be complied with within a period of eight weeks from the date on which the representation is submitted.

6. As pointed out by the learned advocate for the Special Officer, arbitration proceedings are initiated and the arbitrator passed an Award cancelling the membership of Umesh Kumar Singh and this was an ex parte Award which was challenged by Umesh Kumar Singh and the ex parte Award has been set aside and the matter has been remanded back to the arbitrator.

7. In any event the verification of the credentials of the existing members has to be done by the Special Officer regardless the fact that Umesh Kumar Singh is agitating the matter before the learned Arbitrator.

8. With the above observations, the writ petition stands disposed of.

**(T. S. SIVAGNANAM)**  
**CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**