

Court No. 19

(265719)

14.01.2026

(AD 15)

(S. Banerjee)

WPA 558 of 2026

Asit Kumar Mandal

Vs.

State of West Bengal & Ors.

Mr. Abhinaba Dan
Mr. Nitish Samanta
Ms. Shreyashee Mitra

...for the petitioner

Mr. Rabindra Narayan Dutta
Ms. Susnita Saha

...for the State

Mr. Bahgbat Chowdhury
Mr. Uttam Kumar Mandol
Ms. Maitree Roy

...for the respondent no. 6

Learned advocate appearing for the respondent no. 5 submits that the Co-operative Housing Society Limited has not been impleaded as a party-respondent in this writ petition.

Faced with such situation learned advocate appearing for the petitioner prays for leave to add the Tagore Co-operative Housing Society Limited as a party-respondent in this writ petition.

Such prayer is allowed. Learned advocate-on-record of the petitioner is permitted to amend the cause-title of the instant writ petition by adding Tagore Co-operative Housing Society Limited as a party-respondent in this writ petition.

The petitioner claims that the Tagore Co-operative Housing Society Limited ('the Cooperative Society', for short) allotted Plot No. A-2 and Garage No. 4 as per the resolution dated March 24, 2023 in favour of the petitioner. The petitioner states that by the said resolution, Garage No. 7 was allotted to the private-respondent namely Bishnu Pada Saha. The petitioner alleges that the private-respondent started parking his car in the garage space allotted to the petitioner in gross violation of the allotment made by the Cooperative Society. Learned advocate appearing for the petitioner submits that the petitioner approached various authorities including the Assistant Registrar of Co-operative Societies highlighting the issue regarding forceful parking of car by the 5th respondent in the garage space allotted to the petitioner. Learned advocate appearing for the petitioner submits that no decision on such representation has been communicated by the respondent authorities till date.

Learned advocate appearing for the private-respondent produces a document under the letterhead of the Cooperative Society dated March 24, 2023 recording the result of the lottery for the allotment of garage spaces. He submits that the petitioner was allotted Garage No. 7 and the private-respondent was allotted Garage No. 4. The document

produced by the private-respondent in Court, is taken on record.

Mr. Dutta, learned advocate appearing for the State submits that the disputes between the members of a cooperative society are to be settled by the Registrar of Cooperative Societies in view of the provisions laid down under Section 102 of the West Bengal Cooperative Societies Act, 2006.

Heard the learned advocates for the parties and perused the materials placed.

A dispute arises as to the allotment of garage space(s) between the petitioner and the private-respondent. Both of them claim to be the members of the Co-operative Housing Society/added respondent. Such a factual dispute should be best left open to be decided by an authority vested with the power to settle such a dispute.

The petitioner submitted a representation dated July 24, 2025 before the Assistant Registrar of Cooperative Societies, being the 3rd respondent herein, alleging forceful occupation of Garage No. 4 by the private-respondent who is residing at Flat No. B-3.

The Assistant Registrar of Cooperative Societies, being the 3rd respondent herein, is directed to

consider the said representation dated July 24, 2025 and to dispose of the same by passing a reasoned order after affording an opportunity of hearing to the petitioner, the private-respondent, the added respondent as well as any other necessary party or their authorized representatives and to communicate the reasoned order to the respective parties as expeditiously as possible, but positively within a period of four weeks from the date of receipt of a server copy of this order.

It is, however, made clear that this Court has not gone into the merits of the claims and counter-claims of the respective parties and all points are left open to be decided by the 3rd respondent in accordance with law.

It will be open to the private parties as well as the Cooperative Society to produce all materials to support their respective stand at the time of hearing before the 3rd respondent.

The report of the Inspector-in-Charge of New Town Police Station dated January 12, 2026, filed by Mr. Dutta, learned advocate appearing for the State, is taken on record.

(Hiranmay Bhattacharyya, J.)