

07.04.2026
Court No.25
D/L No.19
S. Gayen

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 3487 of 2026

Tapan Kumar Dey
Versus
State of West Bengal & Ors.

Mr. Partha Pratim Roy
Ms. Puja Beriwal

...for the Petitioner

Mr. Tanmoy Mukherjee
Mr. Iresh Paul

...for the Respondent No.5

Ms. Amrita Panja Moulick

...for the Respondent No.11

Mr. Swapan Banerjee
Mr. Tanweer J. Mandal

...for the State

1. The petitioner has filed the present writ application praying for a direction upon the respondent No.2 for taking appropriate steps in accordance with the West Bengal Societies Registration Act, 1961 for cancellation and/or dissolution of the registration of the respondent No.5/club having the registration No. S/82401.
2. Learned counsel appearing for the petitioner submits that the respondent No.5 got the registration by mentioning the address of the petitioner being 69, Kashinath Chatterjee Lane, Howrah-711102. Learned counsel for the petitioner submits that with regard to the said property there was a dispute and the

petitioner has preferred a writ application before this Court. There are several litigations filed before this Court and in terms of the order passed by this Court, the structure standing on the plot Nos. 69 and 71 have been demolished by the Howrah Municipal Corporation and as on date there is no structure is standing in the property in question.

3. The grievance of the petitioner in the present writ application is that there is no structure available in the property in question, how the respondent No.5 can continue as a registered address of the society mentioning the plot numbers of land. He submits that the petitioner has made a detailed representation before the Registrar of Societies & Firms on January 17, 2026 but till date the authorities have not taken any steps for disposing of the said representation and the same is still pending before the authorities.
4. Learned counsel appearing for the respondent No.5 submits that at this stage no order can be passed for cancellation and/or dissolution of the registration of the respondent No. 5. He submits that though in terms of the order passed by this Court the Howrah Municipal Corporation has demolished the structure standing in the plot in question but the petitioner has also initiated a civil suit and in the suit, the learned Civil Judge (Junior Division), 2nd Court, Howrah had already passed an ad-interim order restraining the

defendants from interfering and disturbing the peaceful possession of the plaintiff's club or its members and/or from ousting them from the suit property without due process of law. He submits that the interim order is still existing and at this stage it cannot be decided that the society is not having the possession over the property in question.

5. Learned counsel appearing for the respondent No.11 has supported the case of the petitioner.
6. Learned counsel appearing for the State submits that the petitioner has made the representation to the respondent No.2 and if a direction is passed upon the respondent No.2, the respondent No.2 shall dispose of the representation after giving an opportunity of hearing to all parties.
7. Considering the submissions made by the learned counsel for the respective parties, this Court finds that the grievance of the petitioner is that though the respondent No.5 got the registration by mentioning the address of the petitioner's landed property but there is no structure. Without any structure there cannot be a registered address. The respondents claimed that the respondent No.5 has already filed the civil suit claiming the possession over the property and there is an ad interim order passed by the learned Civil Judge (Junior Division), 2nd Court, Howrah.

8. Without going into the controversy between the parties, this Court disposing of the writ petition by directing the respondent No.2 to consider the representation submitted by the petitioner on January 17, 2026 after giving an opportunity of hearing to all the parties and to dispose of the same by passing a speaking and reasoned order within a period of eight weeks from the date of receipt of this order.
9. It is made clear that this Court has not gone into the merit of the case. All the points are kept open to decide by the authorities at the time of hearing of the representation filed by the petitioner.
10. WPA 3487 of 2026 is disposed of.
11. As the writ petition is disposed of at the motion stage without calling for any affidavit, the allegations made in the writ petition deemed to have been denied.
12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
13. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)