

Court No. 19
(265719)

05.05.2026
(AD 214)
(S. Banerjee)

WPA 5001 of 2026

Biswajit Mitra
Vs.
The State of West Bengal & Ors.

Mr. Tanmoy Mukherjee
Mr. Zafirul Islam
Mr. Hebzur Rahman

...for the petitioner

Mr. K. J. Yusuf
Mr. Kazi Sajjad Alam

...for the State

Mr. Ankit Sureka
Mr. Biplob Das

...for the respondent nos. 2 and 3

The petitioner claims that his father Mihir Kumar Mitra, since deceased, was the original allottee of a plot being No. 3B at premises no. 9/2B Talbagan Lane (Orient Row), Park Circus, Kolkata – 700 017 and is a lawful member and shareholder of the 4th respondent cooperative housing society. The petitioner states that during the lifetime, the said Mihir Kumar Mitra, since deceased, executed a nomination in accordance with Section 69 of the West Bengal Cooperative Societies Act, 1973 in favour of his wife namely, Smt. Maya Mitra in respect of the said flat. After the demise of Mihir Kumar Mitra on January 31, 2018, his wife who was the recorded nominee, approached the 4th respondent society

seeking transfer of membership and shareholding in respect of the aforesaid flat in her name. Unfortunately the recorded nominee who is the mother of the petitioner passed away on December 2, 2025. The petitioner claims to be the only heir of the said Mihir Kumar Mitra, since deceased, upon the death of his mother namely, Late Maya Mitra. The petitioner submitted a representation before the 4th respondent society to transfer the membership and shareholding in favour of the petitioner by a representation dated February 23, 2026. Learned advocate for the petitioner submits that in spite of receipt of such representation, no decision has been communicated by the respondent no. 4 society to the petitioner till date. He submits that pursuant to the order dated April 21, 2026, the petitioner communicated the next date of hearing to the respondents. However, the registered envelope addressed to the 4th respondent communicating the next date of hearing in terms of the order dated April 21, 2026 returned with the endorsement 'refused'.

On the prayer of the learned advocate for the petitioner, leave is granted to the learned advocate on record of the petitioner to file the affidavit of service by tomorrow.

Mr. Sureka, learned advocate representing the respondent nos. 2 and 3, submits that the cooperative housing society has to take a decision on the prayer of the petitioner for transfer of the membership and shareholding and in the event any dispute arises thereafter the petitioner has to avail of the recourses in accordance with West Bengal Cooperative Societies Act, 2006.

State is represented by its learned advocate.

This writ petition stands disposed of by directing the Secretary, Shipping Corporation Co-operative Housing Society Scheme III Ltd., being the 6th respondent herein, to consider the representation of the petitioner dated February 23, 2026 and to dispose of the same by passing a reasoned order after affording an opportunity of hearing to the petitioner and any other person who may be affected by such decision or their authorized representative and communicate the reasoned order to the petitioner and others immediately thereafter. The entire exercise shall be completed by the 6th respondent as expeditiously as possible but positively within a period of eight weeks from the receipt of a server copy of this order along with a copy of the representation

dated February 23, 2026 and the documents annexed thereto.

It is, however, made clear that this Court has not entered into the merits of the claim made by the petitioner in the said representation and all points are left open to be decided by the 6th respondent in accordance with law.

(Hiranmay Bhattacharyya, J.)