

WPA/23248/2026
HRISHIKESH MAITY
VS.
THE STATE OF WEST BENGAL AND ORS.

Mr. Jayanta Samanta, Adv.
Ms. Karunamoyee Samanta, Adv.
Ms. Riddhi Naskar, Adv.

....For the Writ Petitioner

Mr. Srijib Chakraborty, Adv.
Ms. Atreya Chakraborty, Adv.

...For the Respondent-State

1. The contending parties are represented by their respective learned counsel.
2. Affidavit-of-service filed on behalf of the writ petitioner is taken on record.
3. The present writ petition has been preferred challenging a letter dated 16th August, 2026, addressed to the writ petitioner and issued by the Secretary, East Santoshpur Co-operative Housing Society Ltd. (hereinafter referred to as 'the said society'). In addition, the writ petitioner prays for a direction upon the concerned respondent to implement the Award dated 17th July, 2026, passed in Dispute Case No. 66/RCS of 2025.
4. Mr. Samanta, learned Advocate representing the writ petitioner, submits that way back in 1989, the petitioner purchased a plot of land through the said society and, in 2011, the said land was allotted to the petitioner and a deed of conveyance was executed and registered. The

possession of the land was also handed over to the petitioner. However, the share certificate of the petitioner has been withheld and the no-objection certificate has not been given to the petitioner to enable him to get the parcel of land mutated in his name. Due to such circumstances, a dispute arose between the petitioner and the society and, as the dispute falls within the purview of Section 102 of the West Bengal Co-operative Societies Act, 2006 (hereinafter referred to as the 'Act of 2006'), the same was referred to the Registrar, Co-operative Societies, West Bengal, and accordingly, Dispute Case No. 66/RCS of 2025 was started.

5. Referring to the Award passed in the said Dispute Case, he submits that the issues in the Dispute Case were remitted to the Society with a direction to decide those issues and pass a reasoned order within the time specified therein, and pursuant thereto, a notice dated 16th August, 2026, was issued to the petitioner. However, the said notice contains the names and particulars of some unauthorised persons. He further submits that the petitioner apprehends that, at the time of hearing, all those unauthorised persons shall remain present and create obstruction, and an appropriate decision may not be taken by the Society. He further argues that, taking note of this fact, immediate intervention of this Court is warranted.
6. Mr. Chakraborty, learned Advocate appearing for the State, submits that, pursuant to the direction contained in

the Award, notice was issued and, if the petitioner finds that the competent authority fails to consider the petitioner's application in accordance with law and in terms of the direction contained in the Award, the petitioner shall have an appropriate remedy before the appropriate forum. In addition thereto, he submits that, if the petitioner is interested in getting the Award implemented, his remedy lies under Rule 174 of the West Bengal Co-operative Societies Rules, 2011.

- 7.** Heard the learned advocates appearing for the respective parties and perused the materials-on-record as placed before this Court.
- 8.** It appears that the dispute which arose between the petitioner and the Society with regard to membership, no-objection certificate and share certificate resulted in the initiation of Dispute Case No. 66/RCS of 2025. As noted previously, by an Award dated 17th July, 2026, the Dispute Case was disposed of with a direction upon the competent authority of the Society to examine the claimant's application independently in the light of the provisions of the Act of 2006 and the registered bye-laws of the Society and to pass a reasoned order within 60 days from the date of communication of the said order. Pursuant thereto, a notice dated 16th August, 2026, has been issued to the petitioner.
- 9.** In view of the aforesaid, this Court directs the competent authority to ensure, at the time of hearing of the petitioner's claim, that no unauthorised person is present

who has no authority to participate in the hearing afforded to the petitioner. The petitioner is at liberty to raise an objection, if occasion so arises, and it is directed that such objection shall be considered and dealt with in accordance with law by the competent authority of the Society.

- 10.** With the aforementioned observation, the instant writ petition is **disposed of**.
- 11.** Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(PARTHA SARATHI CHATTERJEE, J.)