

IN THE HIGH COURT AT CALCUTTA  
CIVIL APPELLATE JURISDICTION  
APPELLATE SIDE

Present:

The Hon'ble Justice Biswanath Somadder

And

The Hon'ble Justice Anindam Mukherjee

WAT 518 of 2018  
with  
CAN 3469 of 2018

Nadia District Central Co-operative Bank Limited & Anr.  
Vs.  
Ramprasad Dasgupta & Ors.

For the appellants/applicants: Mr. Tapash Kumar Bhattacharya  
Mr. Sounyadeep Biswas

For the respondent no.1/  
writ petitioner:

Mr. Utpal Majumder  
Mr. Abhishek Banerjee

Heard on: 9<sup>th</sup> July, 2018.

Judgment on: 9<sup>th</sup> July, 2018.

Biswanath Somadder, J.

By consent of the parties, the appeal is treated as on day's list and taken up for consideration along with the application for stay.

The instant appeal arises out of a judgment and order dated 15<sup>th</sup> May, 2018, passed by a learned Single Judge in WP 31397 (W) of 2017 (Ramprasad

Dasgupta vs. Nadia District Central Cooperative Bank Limited & Ors.) and has been preferred by Nadia District Central Co-operative Bank Limited and its Chief Executive Officer.

By the impugned judgment and order, the learned Single Judge was pleased to dispose of the writ petition filed by Ramprasad Dasgupta with a direction upon the Registrar of Cooperative Societies to consider and dispose of a representation to be made by the writ petitioner within a certain time-frame and in accordance with the directions as contained in the impugned order.

The main contention sought to be raised on behalf of the appellants is that the writ petition is not maintainable since there has been no breach of any statutory rule. In this context, the learned advocate representing the appellants has referred to the judgment rendered by a Single Bench of this Court which was authored by one of us (Biswanath Somadder). The said judgment was rendered in the case of *Mousumi Bose (Bandyopadhyay) vs. The West Bengal State Co-operative Bank Ltd. & Ors.* reported in (2012) 2 Cal LT 133 = (2012) 3 CHN 345. He has also referred to a judgment of the Hon'ble Supreme Court rendered in the case of *S.S. Rana vs. Registrar, Coop. Societies & Anx.* reported in (2006) 11 SCC 634.

Both the judgments referred to and relied on by the learned advocate for the appellants have no manner of application at all in the facts of the instant case. That apart and in any event, the two judgments which have been cited by the learned advocate for the appellants cannot be held to be authorities for the



proposition that a writ petition is not maintainable against a cooperative society. This point is no more *res integra* in view of several pronouncements, including the judgment rendered by another Division Bench of this Court in the case of *Ehabani Adhikari vs. West Bengal State Co-operative Bank Limited & Ors.* reported in (2009) 1 CHN 573 which was merely distinguished on facts in *Mousumi Bose (Bandyopadhyay)*'s case (*supra*).

So far as the present case is concerned, the records reveal that the respondent/writ petitioner had actually assailed a letter dated 21<sup>st</sup> August, 2017 (wrongly typed as 2018) whereby his Directorship on the Board of Cooperative Bank had been ceased (wrongly spelt as seized). The grounds for challenging the said letter include arbitrariness, discrimination as well as the said letter being without jurisdiction. We also notice that apart from pleading violation of the principles of natural justice, the respondent/writ petitioner in Ground -- IV of the writ petition has specifically pleaded to the effect that the concerned authority of the Bank had acted beyond the scope and ambit and in contravention of the provisions of the West Bengal Co-operative Society Act, 2006 as well as the West Bengal Co-operative Society Rules, 2011.

In such a factual backdrop, as stated above, the question of the writ petition to have been dismissed purely on the point of maintainability does not arise. The learned Single Judge has, in the facts and circumstances of the instant case, rightly referred the matter to the Registrar of Cooperative Societies, being the appropriate authority, who is statutorily empowered to consider the

issue sought to be raised by the respondent/writ petitioner treating the same to be a dispute invoking the relevant provision of the statute as applicable.

We are, therefore, of the view that there is no palpable infirmities or perversities in the impugned judgment and order which would warrant any interference in an Intra-Court Mandamus Appeal. The impugned judgment and order has been rendered with cogent and justifiable reasons.

In such circumstances as stated above, the appeal and the application for stay are liable to be dismissed and stand accordingly dismissed.

Urgent photostat certified copy of this judgment, if applied for, be given to the learned advocates for the parties.

(Biswanath Somadder, J.)

I agree.

(Arindam Mukherjee, J.)