

## Jayanta Kumar Banerjee Vs State Of West Bengal And Ors

**Court:** Calcutta High Court (Appellate Side)

**Date of Decision:** Jan. 9, 2025

**Hon'ble Judges:** T.S. Sivagnanam, CJ; Hiranmay Bhattacharyya, J

**Bench:** Division Bench

**Advocate:** Saheb Banerjee, Jaharlal De, Tanwishree Mukherjee, Sharanya Chatterjee, Rituparna Maitra, Ankit Sureka, Biplab Das

**Final Decision:** Disposed Of

### Judgement

1. The petitioner alleges that several persons have been enrolled as members of the 10th respondent/Cooperative Housing Society, who are not ex-

service men.

2. In this regard, representation has been given pointing out one instance, namely, one Umesh Kumar Singh/the 9th respondent. The petitioner in the

representation is admitted that the membership of the 9th respondent has already been cancelled.

3. The term of the elected Board of the Cooperative Housing Society has expired and the 11th respondent, namely, the Special Officer is in charge of

the affairs of the Cooperative Housing Society.

4. Therefore, we direct the petitioner to give a fresh representation pointing out instances where members have been enrolled in the Society who are

not eligible to be enrolled as they are not ex-service men. On receiving the representation, the Special Officer shall examine the records, issue notices

to such persons to establish their credentials and thereafter pass the reasoned order on merits and in accordance with law after following the

principles of natural justice.

5. This direction be complied with within a period of eight weeks from the date on which the representation is submitted.

6. As pointed out by the learned advocate for the Special Officer, arbitration proceedings are initiated and the arbitrator passed an Award cancelling

the membership of Umesh Kumar Singh and this was an ex parte Award which was challenged by Umesh Kumar Singh and the ex parte Award has

been set aside and the matter has been remanded back to the arbitrator.

7. In any event the verification of the credentials of the existing members has to be done by the Special Officer regardless the fact that Umesh Kumar

Singh is agitating the matter before the learned Arbitrator.

8. With the above observations, the writ petition stands disposed of.