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16.09.2025
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Ct.5.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 21635 of 2025

Uttam Saha & Ors.
Versus
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Subhajit Panja
... For the petitioners.

Mr. Nilotpal Chatterjee
Mr. Saptak Sanyal
... For the State.

Mr. Pradip Kumar Roy, Sr. Advocate
Mr. Partha Sarathi Pal
Mr. Biplob Das
... For the respondent nos. 2, 3 and 4

Mr. Soumyadeep Biswas
... For the respondent no. 5

Mr. Pranit Bag
Mr. Mrinmoy Mohan Barat
Mr. Anousko Das
... For the respondent no.6

1. On the express submission made by Mr. Chatterjee, learned advocate representing the petitioners that a fresh affidavit of service shall be filed in Court the matter is taken up for consideration. He submits that although respondents have duly been served, track consignment report has not been enclosed. As such, I direct the petitioners to file an additional affidavit of service enclosing therewith the track consignment report when the matter is taken up next.

2. The instant writ petition has been filed, *inter alia*, praying for a direction upon the respondents to take steps under Section 141 read with Section 149 and also the Fourth Schedule of the West Bengal Cooperative Societies Act, 2006 (hereinafter referred to as the “said Act”).

3. According to the petitioners, although, an inquiry has been conducted, however, no further steps have been taken.

4. Mr. Chatterjee, learned advocate would pray for a direction upon the respondent no.1 to take necessary steps against the respondent no.5, for the continuing mal practice being committed by the respondent no.5.

5. Mr. Bag, learned advocate appears on behalf of the respondent no.6. He has drawn attention of this Court to the order dated 6th March, 2025 passed in WPA 3672 of 2025 and would submit that in an identical set of facts despite the petitioner praying for initiation of steps under Section 141 read with Section 149 and also the Fourth Schedule of the said Act, a Coordinate Bench of this Court had refused such prayer. According to him, the aforesaid writ petition is barred by the principles of *res judicata*.

6. Mr. Roy, learned senior advocate appears on behalf of the respondent nos. 2, 3 and 4.

7. Having heard the learned advocates appearing for the respective parties, I find that a Coordinate Bench of this Court on 6th March, 2025 while noting that the proceedings under Section 140 of the said Act had already

been initiated while refusing to pass any further order in favour of the petitioner in such petition had observed that it was expected that the Registrar of Cooperative Societies shall conclude the proceedings in accordance with law. In this context I may note that on the issue of *res judicata*, I find as rightly pointed out by Mr. Bag, learned advocate representing the respondent no.6, that in an identical set of facts a Coordinate Bench of this Court had refused to pass any order so as to direct the respondent nos. 2 and 3 to take steps under Section 141 read with Section 149 and also read with the Fourth Schedule of the said Act, however, the fact that there was a specific direction on the Registrar of Cooperative Societies to conclude the proceedings cannot be ignored. Having regard thereto, I direct Mr. Roy, learned senior advocate representing the respondent nos. 2, 3 and 4 to take appropriate instruction in the matter.

8. Let this matter appear in the Combined Monthly List of November, 2025.

(Raja Basu Chowdhury, J.)