

10.03.2022
Court No. 19
Item no.18
CP

WPA 1949 of 2022

Asad Ali Mondal
Vs.
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Saptarshi Chakraborty
Mr. A. K. Das
Ms. P. Dutta

..for the petitioner.

Mr. Srijan Nayek
Mr. Ankit Sureka
Mr. Biplob Das

....for the W.B. Cooperative
Election Commission.

Mr. Subrata Ghosh
Ms. Tapati Samanta

....for the State.

The petitioner has prayed for a direction upon the State respondents to exercise its jurisdiction under Section 29(7) of the West Bengal Cooperative Societies Act, 2006, for constitution of a nominated board, as the tenure of the administrator/special officer expired in February 2022.

Mr. Nayek, learned advocate appearing on behalf of the West Bengal Cooperative Commission, submits that steps are being taken for holding the election and in the meantime, the State Government shall take initiative for appointment of a special

officer or for extension of the tenure of the special officer, in accordance with law.

Learned advocate appearing for the State Government has not been able to apprise the court as to whether steps have been taken for extension of the tenure of the special officer or for constitution of a nominated board, as prayed for by the petitioner. Records reveal that an application is pending before the Inspector of Cooperative Societies, Pandua Development Block.

Having considered the provisions of Section 36(3) of the West Bengal Cooperative Societies Act, 2006, this court directs that the petitioner shall be at liberty to apply in terms of the said provision of law, before the respondent no. 3 and the respondent no. 3 if approached, shall dispose of the application of the petitioner in accordance with law, upon granting an opportunity of hearing to the petitioner, the manager of the society and a representative of all the other members of the society. A reasoned order shall be passed and communicated to all, within two weeks from the date of receipt of the application of the petitioner.

Pendency of the proceedings before the Deputy Registrar of the Cooperative Societies, Hooghly Range, shall not preclude the West Bengal Cooperative Election Commission from making all

preparations and holding the election of the Neal Nowpara Samabay Krishi Unnayan Samity, in accordance with law.

It is expected that the election should be completed within three months from date.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)