

22.08.2022
Sl. No.12(SL)
srm

W.P.A. No. 8139 of 2022

Tanmay Majhi & Ors.

Versus

The State of West Bengal & Ors.

Mr. Subhajit Panja

...for the Petitioners.

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee

...for the State-respondents.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

...for the Cooperative Election Commission.

Mr. Milan Chandra Bhattacharjee,
Ms. Sulagna Bhattacharjee

...for the Society/Respondent No.6.

Mr. P.K. Roy,
Mr. Biplab Dey

...for the Respondent Nos.2 & 4.

The petitioners allege that the Assistant Returning Officer, Cooperative Societies has conducted the election of Chaipat Samabay Krishin Unnayan Samity Limited, without adhering to the order of the Commissioner, Co-operative Election Commission, West Bengal dated March 19, 2020. By the said order, upon taking note of the rising covid infection, the Commissioner had decided to keep in abeyance the elections of Board of Directors of different cooperative societies in West Bengal, which were scheduled to be held

under the supervision of the Commission. According to the petitioners, the election of the Board of Directors and office bearers of the said society, could not have been held in violation of the said order of the Commissioner.

It appears that the petitioners participated in the delegate election, which was held on March 1, 2020. The petitioners participated in the election for the Board of Directors, which was held on June 12, 2020. The petitioners lost in the election for the Board of Directors. The election for the office bearers was held on June 22, 2020. The petitioners kept silent about such election for a period of about two years and thereafter filed the writ petition with a prayer to set aside the process of election.

The Court does not find any reason to entertain such writ petition. The petitioners participated in the process and being aggrieved by the result of the election have moved this writ petition after 2 years. All the dates of the elections were notified. The schedule was published, by the commission as per the regulation. At no point of time, did the petitioners raise any objection. Even during their participation, they not raise such objection. After having lost the elections of the Board of Directors and having waited for two years since the constitution of the Board and the election of the office bearers, this writ petition has been filed. The election was

held by the Commission. Definitely, the Commission thought it fit to hold the election.

The writ petition is, therefore, dismissed.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)