

140
18.05.2022
TN

WPA No.8429 of 2022

Mirza Samser Begg
Vs.
The State of West Bengal and others

Mr. Fasiur Rahman Molla,
Mr. Pappu Adhikary

.... for the petitioner

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

.... for the respondent nos.1 and 2

Mr. P.K. Roy,
Mr. Biplob Das,
Mr. Ankit Sureka

.... for the respondent nos.3, 4 and 5

Learned counsel for the petitioner contends that the tenure of the erstwhile Board of Directors of the concerned Co-operative Society expired on February 04, 2022. A Special Officer was appointed within the contemplation of Section 36 of the West Bengal Co-operative Societies Act, 2006 on February 07, 2022.

However, the Special Officer has failed to conclude the election process till now. Hence, the present writ petition has been filed by the petitioner,

who is a Member of the Co-operative Society, for expeditious conclusion of the election process.

Learned counsel appearing for the Co-operative Election Commission submits that there was an order of stay of operation of the Notification dated February 07, 2022 whereby the Special Officer was appointed. Such stay continued from February 09, 2022 till April 20, 2022, after being granted by the Division Bench which was taking up the connected contempt application on the allegation of flouting of the order passed in an appeal in connection with the writ petition.

The learned Advocate appearing for the Election Commission further submits that there was a fresh appointment of the Special Officer vide Notification dated April 21, 2022, wherefrom the Special Officer re-assumed charge. As such, in view of the intervening stay, it is submitted that the Special Officer did not have more than about a month for concluding the election process.

Learned counsel appearing for the Election Commission further submits that six months would be a reasonable period for concluding such election.

It appears from the materials on record and the submissions of the parties that, even excluding the time during which the order of appointment of the

Special Officer dated February 07, 2022 was stayed, about a month has elapsed after the Special Officer having assumed charge, being from February 07 to February 9, 2022 initially and thereafter from April 21, 2022 till date. Since the Special Officer re-assumed charge from April 21, 2022 and about a month has elapsed thereafter, five months of the Special Officer's tenure are still left, which would also be a reasonable time for the Special Officer to conclude the election process.

Learned counsel appearing for the petitioner also submits that the electoral roll has already been published in respect of the said election and, as such, much time should not be consumed further for concluding the election process.

However, learned counsel appearing for the Election Commission categorically submits that the Co-operative Society has about 82,296 Members and there are 109 delegates for the purpose of holding the election. Moreover, the election will be spread over different zones which, by itself, would consume considerable time.

Keeping in view the submissions of the parties, it is clear that a time of about five months from date would be a reasonable period for conclusion of the election process of the Co-operative Society.

Hence, WPA No.8429 of 2022 is disposed of by directing the respondent nos.3 and 4 to conclude the election process for the new Board of Directors of the Contai Co-operative Bank Limited, having its office at Village & Post Office: - Contai, Police Station: Contai, District: Purba Medinipur, Pin – 721401, through the Special Officer, within a reasonable period, preferably by October 15, 2022.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)