

25.07.2022  
Court No. 19  
Item no.05  
CP

W.P.A. No. 16388 of 2022

Soven Ratan Pattanayak & ors.

Vs.

The State of West Bengal & ors.

Mr. Jagabandhu Mondal  
Ms. Kalpana Khan Mondal

...for the petitioner.

Sk. Md. Galib

...for the State.

Mr. Kamal Krishna Pathak  
Mr. Haripada Nayak

...for the respondent no. 7.

Mr. Madan Mohan Roy

...for the respondent nos. 4 & 5.

The petitioners have raised objections with regard to the publication of the final voters' list and have also challenged the procedure followed by the Assistant Returning Officer, while publishing the final voters' list.

The Election Commission has not been made a party and also the draft voters' list had not been challenged.

Today it is submitted by the petitioners that the names of some of the members have not been included in the voters' list. It is further submitted that the names of some persons have been incorporated, who are no longer members of the

society. The petitioners pray that the court must issue a mandamus, directing the correction of the voters' list and incorporation of the names of the members who had been purposely excluded from the voters' list.

It has been submitted by the learned advocate for the concerned society that the writ petition is not maintainable. That the dispute with regard to membership cannot be decided by the High Court as the same falls within the definition of 'Dispute' under the provisions of Section 102 of the Cooperative Societies Act, 2006. He next submits that the Election Commission is a necessary party and the writ petition is bad for non-joinder of parties.

Learned advocate for the respondent nos. 4 and 5 also submit that the writ petition is not maintainable. The dispute should be resolved by the Commission as per the provisions of the West Bengal Cooperative Election Commission Regulations, 2012.

Mr. Galib, learned advocate for the State respondents, also submits that the dispute cannot be decided in this proceeding.

Having considered the pleadings, this court is of the view that the petitioners have raised an election dispute. Such dispute has to be decided by the Cooperative Election Commission.

It is also relevant to note that the members who have been allegedly left out from the voters' list, are not aggrieved and they are not before the court. The petitioners are trying to espouse their cause.

It appears that the date of the election is August 11, 2022. The petitioners are at liberty to raise the dispute before the Co-operative Election Commission within four days from date. If such dispute is raised, the same shall be disposed of before August 8, 2022. The Commission shall pass a reasoned order, upon hearing all the parties. Such order shall be communicated to all the interested parties.

The writ petition is disposed of.

There shall be no order as to costs.

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

**(Shampa Sarkar, J.)**