

6th April,
2022
(AK)
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W.P.A 19272 of 2021

Raninagar Block-II Primary Agricultural Marketing Co-
Operative Society Ltd.

Vs.

The State of West Bengal and others

Mr. Robiul Islam
Mr. Raju Mondal

...for the petitioner.

Mr. Ankit Sureka
Mr. Partha Sarathi Pal

...for the respondent no.2.

Mr. P.K. Roy
Mr. Biplab Das

...for the respondent nos.4 to 6.

Mr. Srijan Nayak
Mrs. Rituparna Maitra

...for the State.

Learned counsel for the petitioner contends that although the writ petition was filed with different prayers, in the meantime a Special Officer has been appointed within the contemplation of Section 36 of the West Bengal Co-operative Societies Act, 2006 and seeks a limited direction upon the Special Officer to conduct the elections expeditiously.

Learned counsel appearing for the respondent authorities contends that such prayer is entirely beyond the pleadings and the prayers contained in the writ petition.

It is evident from the submission of learned counsel for the petitioner as well as the prayers made in the writ petition that the circumstances changed on the subsequent appointment of a Special Officer under Section 36(2).

As such, for effective adjudication of the writ petition, there is no bar in the court moulding the relief to the prayer as made verbally by the petitioner in view of such changed circumstances.

Although there is no pleading or proof to indicate that the Special Officer is, in any way, guilty of being negligent in holding the election, WPA 19272 of 2021 is disposed of with the expectation that the concerned authorities shall take necessary steps to ensure that the elections are held expeditiously.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)