

137
07.04.2022
TN

WPA No.20614 of 2021

Sri Dilip Kumar Maity and others
Vs.
The State of West Bengal and others

Ms. Jeenia Rudra,
Mr. Bhaskar Roy

.... for the petitioners

Mr. P.K. Roy,
Mr. Joydeep Roy

.... for the State

Mr. Srijan Nayak,
Mr. Ankit Sureka,
Mr. Biplab Das

.... for the Co-operative
Election Commission

Learned counsel for the petitioners contends that out of the several grievances pertaining to an election held in the month of May, 2021 in respect of the Co-operative Society-in-question, the major portion has been mitigated substantially by virtue of holding a fresh election. However, what remain are the allegations levelled by the petitioners against the previous Board having mismanaged the funds and having committed certain irregularities, including non-consideration of the pending applications for

Membership of the Co-operative Society, which disputes are still pending.

Learned counsel for the State rightly contends that since the substantial grievance of the petitioners has been redressed and a new Board has been formed after valid election afresh, the petitioners may approach the currently functioning Board with the grievances as raised in the present writ petition. However, in the event such grievances are not satisfactorily redressed by the newly elected Board, the petitioners can always move the concerned ARCS.

There is substance in such contention of learned counsel for the State.

Accordingly, WPA No.20614 of 2021 is disposed of by granting liberty to the petitioners to approach the present Board of Directors of the Junboni Somobay Krishi Unayan Samiti Limited with the grievances as raised in the present writ petition.

If so approached, the said Board of Directors shall, upon giving an opportunity of hearing to all concerned, decide the issues as raised by the petitioners in respect of the alleged irregularities committed by the previous Board and come to a reasoned conclusion in accordance with law. The Board shall, preferably, complete such exercise within

two months from the date of communication of this order to the Board of Directors by the petitioners.

It is made clear that this court has not entered into the merits of the allegations made in the writ petition and it will be open to the Board to decide on all issues raised by the petitioners in accordance with law without being influenced by any of the observations made herein.

It may further be clarified that in the event the petitioners or any other party to the dispute are not satisfied with the decision arrived at by the Board after consideration, it will be open to the said aggrieved parties to move the appropriate authorities with such grievances.

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.)