

08.09.2022

Sl no. 16

Ct no. 2

P.M.

WPA 20578 OF 2022

Sekh Abdus Samad & Ors.

- Vs -

The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharyya, Sr. Adv.

Mr. Atarup Banerjee,

Mr. Abu Sohel,

Mr. Raju Bhattacharyya,

Mr. Tanweer J. Mandal

... for the petitioners.

Mr. Samim Ahmed,

Ms. Gulsanwara Pervin

... for respondent No. 2

Mr. P. K. Roy,

Mr. Joydeep Roy,

Mr. Biplab Das

... for the State

Heard learned counsel appearing for the parties.

By this writ petition, petitioners who are ordinary members of the society have filed this writ petition challenging the election of the Office Bearers electing by the Directors which was held on 3rd September, 2022 on the basis of initial notice dated 22nd August, 2022 fixing the date of election on 30th August and which was rescheduled for some reasons on 3rd September, 2022, on the ground that before holding the election for Office Bearers as per relevant provisions of statute, no clear seven days was given.

Considering the facts and circumstances of this case as appears from record and submission of

the parties, I am of the considered view that the allegation of the petitioners that no clear seven days' time was given for holding the election of the Office Bearers, is not sustainable in law for the reason that initially the notice was issued on 22nd August, 2022, fixing the date of holding the election on 30th August, 2022, which is clearly more than seven days and election was deferred and time to hold the election was extended or rescheduled for holding the election on 3rd September, 2022. It cannot be called a fresh and new notice for holding the election and actually it is in continuation of initial notice and furthermore petitioners have no locus standi in the matter since petitioners have no right to participate in the election of office bearers then how petitioners are going to be affected by such election and of this technical issue can be raised by the person who will be aggrieved and is eligible to participate in such election.

Considering the facts and circumstances of this case and in view of discussion made above, I am not inclined to entertain this writ petition and accordingly this writ petition being WPA 20578 of 2022 is dismissed.

(Md. Nizamuddin, J.)