

01. 19.04.2023
Court No.6
Tanmoy Ghosh

MAT 609 of 2023

**Krishna Kumar Biswas & Ors.
-Versus-
The State of West Bengal & Ors.**

**With
IA No: CAN/1/2023**

Mr. Dhiman Kr. Sen Gupta, Adv.,
Ms. Sweta Saha, Adv.

...for the appellants.

Mr. Srijan Nayak, Adv.,
Mr. Biplab Das, Adv.

...for the respondent nos. 4 & 5 /
West Bengal Co-operative
Election Commission.

Mr. Ankit Sureka, Adv.,
Mr. Asis Dutta, Adv.

...for the respondent nos. 8, 10 & 11.

By consent of the appearing parties, the appeal and the connected application are taken up together for hearing.

This appeal is directed against a judgment and order dated March 22, 2023, whereby the writ petition of the appellants being WPA 6244 of 2023 was disposed of.

The appellants/writ petitioners approached the learned Single Judge praying for a direction upon the Co-operative Election Commission to hold election of the concerned Co-operative Society. There were other prayers in the writ petition also on the basis of allegations of irregular appointment of Board of Administrator.

The learned Judge directed the West Bengal Co-operative Election Commission who was the respondent

no.4 in the writ petition “*to initiate and expedite the process of election in question of the Society in accordance with law and conclude the same within a period of six months from the date of communication of this order.*”

Insofar as the other prayers in the writ petition are concerned, the learned Judge noticed that the writ petitioners had made a representation dated February 21, 2023, through their Lawyer amongst others, to the Deputy Secretary, Government of West Bengal, Co-operation Department, who was the respondent no.3 in the writ petition. The said representation was also regarding alleged illegal appointment of Board of Administrator of the concerned Co-operative Society and alleged illegal membership of 285 members in gross violation of the provision of the Statute. The learned Judge has directed the respondent no.3 being the Deputy Secretary, mentioned above, “*to consider and dispose of the representation of the petitioners dated 21st February, 2023 being Annexure P-8 to the writ petition in accordance with law and by passing a reasoned and speaking order after giving an opportunity of hearing to the petitioners or their authorised representative, within six weeks from the date of communication of this order.*”

We see nothing wrong with the approach of the learned Single Judge. The prayer of the writ petitioners for holding election has been allowed. The other grievance of the writ petitioners regarding illegal appointment of Board

of Administrator and illegal membership of 285 members has also been ventilated by them before the Deputy Secretary, Government of West Bengal, Co-operation Department, who has been directed by the learned Single Judge to dispose of the representation/complaint of the writ petitioners, in accordance with law, observing the principles of natural justice. The Deputy Secretary, Government of West Bengal, Co-operation Department shall dispose of the representation/complaint of the appellants/writ petitioners dated February 21, 2023 (page 67 of the stay petition) in terms of the order of the learned Single Judge within three (3) weeks from the date of communication of this order along with a copy of the representation dated February 21, 2023.

We find no infirmity in the order under appeal.

Since we have not called for affidavits, the allegations in the stay petition shall be deemed not to have been admitted by the respondents.

The appeal being MAT 609 of 2023 and the connected application being IA No: CAN/1/2023 are accordingly dismissed.

Let urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)