

WPA 8689 OF 2023

17.05.2023

**Smaranika Co-operative Housing
Society Ltd. & Ors.**

Sl no. 172

Ct no. 2

P.M.

- Vs -

State of west Bengal & Ors.

Mr. Suresh Prasad Mazumdar,
Ms. Sumita Shaw,
Mr. Soumya Chatterjee

... for the petitioner

Mr. Ankit Sureka,
Mr. Partha Sarathi Pal

... for Co-operative Election Commission.

Mr. Srijan Nayak,
Mr. Biplab Das

... for respondent No. 2 & 3

Heard learned advocates appearing for the
parties.

Petitioner has filed this writ petition being
aggrieved by the action of the authority concerned of
the State Government in issuing notification dated
23rd November, 2022 appointing administrator over
the Co-operative Housing Society in question and
further impugned order of the Additional Registrar
Co-operative Societies, West Bengal dated 27th
March, 2023.

Admitted position is that terms of the Board of
the Society has expired in 2021 and till date no
election has been held and to protect interest of the

society, according to the State respondent the aforesaid impugned order has been passed.

Learned advocate appearing for the petitioner submits that the aforesaid impugned order of appointing administrator is without jurisdiction in view of proviso to Section 35 (1)(c) of the West Bengal Co-operative Societies Act, 2006.

Considering the facts and circumstances of this case, I am inclined to dispose of the writ petition by directing the Co-operative Society Election Commission to take all steps in accordance with law for holding the election of the society of the Co-operative Housing Society in question and finalize the election process within three months from date of communication of this order.

Let the Election Commission of the Co-operative Society be added as a party respondent herein. Till the election is finalized, day to day affairs of the society will be looked after by the administrator in consultation with four members appointed as per notification dated 3rd March, 2023.

In the meantime administrator will act as per order dated 23rd November, 2022 and other members as per notification dated 3rd March, 2023.

With this observation and direction this writ
petition being WPA 8689 of 2023 is disposed of.

(Md. Nizamuddin, J.)