

Item No.2626(ml)

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

08.09.2023
Ct-24

WPA 13515 of 2023
Indrani Chaudhuri & Ors.

v.
The State of West Bengal & Ors.
with
CAN 1 of 2023

Mr. Subhajit Panja
Ms. Sohini Bhattacharya
... for the petitioners.

Mr. Srijan Nayak
Mr. Ankit Sureka
Mr. Biplob Das
... for the respondent nos. 2,3 & 4.

The notification dated May 26, 2023 issued by the order of the Governor for Co-operation Department, Government of West Bengal whereby the Board and Saptaparni Co-operative Housing Society Limited stood superseded and Smt. Sutapa Roychoudhury, ARCS (KMAH Cell) has been engaged as Administrator for six months by invoking provisions of Section 35 of the West Bengal Co-operative Societies Act, 2006 is impugned in the present writ petition.

The Administrator was appointed for taking necessary action for conducting election for constitution of the elected Board of Directors for managing the day to day affairs of the Society.

Learned advocate representing the petitioner submits that the said order was passed without giving

an opportunity of hearing when the erstwhile board was still in force.

It has been submitted by the learned advocate representing the Co-operation Department that the Administrator was appointed for conducting the election and the date of election is scheduled on September 24, 2023.

It appears from the submissions made on behalf of the parties that during the pendency of the writ petition, the date of election has been declared. The term of the previous board has expired in the meantime.

At this stage, the only option is to conduct the election in a free and fair manner so that the Board of Directors of the Co-operative Society may be elected.

The Administrator is, accordingly, directed to organize the election in accordance with the provisions of law.

The writ petition and the connected application stand disposed of.

Since the writ petition is disposed of without calling for any affidavits, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)