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22.12.2023
Court No. 24
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 28602 of 2023

**Pradip Das & Ors.
-versus
State of West Bengal & Ors.**

**Mr. S. Chatterjee.
Mr. Neepesh Majhi.
Mr. A. Ghosh.
...For the Petitioners.**

Affidavit-of-service filed in Court today is taken on record.

None represents the respondents.

The grievance of the petitioners is that the election of the Co-operative Society is being conducted in a manner contrary to the provisions of law.

Detailed representation is claimed to have been filed by the petitioners before the Assistant Registrar of the Co-operative Society.

Representations have also been filed before the Manager of the Co-operative Society who is presently acting as the Administrator of the same. The election is scheduled on 31st December, 2023.

In the absence of the respondents it will not be proper for the Court to decide the issue conclusively.

The representation allegedly filed by the petitioner before the Assistant Registrar of Cooperative Service does not bear any proof of service.

In view of the above, the instant writ petition is disposed of by directing the Assistant Returning Officer being the respondent no. 3 herein to consider and

decide the representation filed by the petitioners in accordance with law after giving reasonable opportunity of hearing to all the necessary parties at the earliest but positively by 27th December, 2023.

The aforesaid respondent is directed to take a decision in the matter and communicate the same to the parties. If remedial measures are required to be taken, the same shall be immediately taken by the respondent no. 3.

If it appears that the election is being sought to be conducted without following the due provision of law, then it will be open for the aforesaid respondent to stall the election till the proper process is adopted.

Liberty is granted to the petitioner to forward the copy of the representation to the aforesaid respondent at the time of communicating the order of the Court.

The aforesaid respondent shall act on the basis of the order that is available in the server duly downloaded from the official website of this Court.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)