

21.11.2024
Sl. No.4
Ct. No.15
S.A.

WPA 853 of 2024

Dr. Sujoy Biswas
-vs-
The State of West Bengal & Ors.

Mr. Saptangshu Basu, Sr. Adv.
Mr. Srijob Chakraborty
Mr. Rishabh Ahmad Khan
...for the petitioner

Mr. Ankit Sureka
Mr. Biplab Dey
...for respondent no. 2

Mr. Srijan Nayak
Mr. P. S. Pal
...for respondent nos.3, 4 & 5

A report has been filed by Mr. Ashok Kumar Banerjee, the former Administrator of the society. The report is kept on record.

The report indicates that Mr. Banerjee's tenure as Administrator of the society expired on November 2, 2024. It further suggests that, while the keys to the office of the society are in his custody, the key to one almirah, which contains the relevant documents, is not available. The report also highlights that certain documents, such as the Member Register, subscription details, and share ledgers, are necessary for conducting the election.

I have previously noted that the initial appointment of the Administrator was for a six-month term, which, however, continued for more than six years without the conduction of elections for the society.

In light of the aforementioned facts, I dispose of this writ petition with the following directions:

1. Mr. Ashok Kumar Banerjee is hereby appointed as a Special Officer to conduct the election of the society. The Special Officer is granted the liberty to break open the almirah, if necessary, to access the required documents for conducting the election.

2. The Special Officer shall take all necessary steps to conduct the election, including the preparation of the voter list, after considering any objections from the concerned parties, in accordance with the law.

3. The election process must be completed within three months from the date the final voter list is prepared.

4. The Special Officer shall conduct the election in accordance with the West Bengal Cooperative Election Commission Regulation, 2012, under the guidance and direction of the Cooperative Election Commission.

It is also pertinent to note that, in this writ petition, by an order dated April 26, 2024, a direction was passed to conduct an enquiry concerning the complaint lodged by the petitioner on December 15, 2021. However, no evidence has been presented before this Court indicating that any such enquiry is

being conducted. Upon perusal of the complaint dated December 15, 2021, I find it to be entirely meritless and not requiring any further inquiry. The complaint primarily raises vague allegations regarding the repair of the building, which, in my view, do not warrant further investigation in light of the orders passed in this writ petition.

Accordingly, **WPA 853 of 2024** is disposed of.

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

(Kausik Chanda, J.)