

Item No.3 & 4

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

19.01.2023
Ct-24

WPA 810 of 2024
IA CAN 1 of 2024
Amit Ghosh

v.

The State of West Bengal & Ors.

With
CPAN 82 of 2024
Amit Ghosh

v.

Sri Dilip Mainan

With

WPA 28602 of 2023
Pradip Das & Ors.

v.

The State of West Bengal & Ors.

Mr. Nepesh Majhi
Mr. Ayaskanta Ghosh
... for the petitioner.

Mr. Lalit Mohan Mahata, AGP
Mr. Ziaul Haque
... for the State.

Mr. Kamal Krishna Pathak
Mr. Souvik Maji
... for the applicants.

Mr. Jayanta Kr. Mitra
Mr. Ashit Kr. Chakraborty
Mr. Sunanda Mohan Ghosh
... for the respondent nos. 4-6.

Mr. Srijan Nayak
Ms. Rituparna Maitra
... for the Cooperative Election Commission

The petitioners alleged that despite detection of
illegality in conducting the election of the Cooperative

Society, the highest designated employee proceeded to conclude the election process. It has been alleged that though the election was held on 31st December, 2023, till date the result of the election has not been declared.

Prayer has been made for conducting fresh election in accordance with law.

Learned advocate representing the Election Commission submits that the draft voter list was published on 9th November, 2023 and notification for election was published on 8th December, 2023. The petitioner lodged his objection at a very delayed date. The hearing was conducted as per the direction passed by this Court. None but the petitioner objected to the process of election. It has been submitted that as the election is over, accordingly, the issue is to be treated as an election dispute and the same ought to be adjudicated by the Election Commission.

Learned advocate representing the applicant that is the elected candidate submits that the election certificate was issued in favour of the winning candidates after the process of counting on 31st December, 2023. It has been submitted that all members are aware of the result of the election.

Upon hearing the submission made on behalf of the parties and on perusal of the materials on record it appears that there are several disputed question of facts involved in the present case. The same cannot be adjudicated in the instant writ proceeding.

The aggrieved party will be at liberty to approach the Cooperative Election Commission in accordance with

the West Bengal Co-operative Election Commission Regulations, 2012.

The writ petition, the connected application and the contempt petition all stands disposed of.

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.)