

07
14.03.2024
AGM/BR

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

W.P.A 900 of 2024

**Himadri Sekhar Ray
-versus
The State of West Bengal & Ors.**

**Mr. Sudipta Dasgupta,
Mr. Sutirtha Nayak.
...For the Petitioner.**

**Mr. Amal Kumar Sen, AGP,
Mr. Lalmohan Basu.
...For the State.**

**Mr. Subrata Kumar Basu,
Mr. Sounak Sen,
Ms. Gitashree Dutta.
...For the Respondent No.9.**

**Mr. Srijan Nayak,
Ms. Rituparna Maitra.
...For the Election Commission.**

Learned advocate representing the Co-operative Election Commission produces the result of the election including the list of the elected candidates in a sealed cover.

The cover is opened in open Court in presence of the learned advocates representing all the parties. It appears that the private respondent Samir Kumar Das has been elected. The result of the election is yet to be declared officially. Since the result has been produced in Court, accordingly, at this stage there is no impediment to officially declare the result of the

election. The Election Commission shall take necessary steps for concluding the election process.

The primary grievance of the petitioner is that the aforesaid Samir Kumar Das was ineligible to contest the election as his membership in the Co-operative Society stood cancelled on account of non-payment of maintenance and service charges. The cancellation was never challenged by the aforesaid respondents and by passage of time the same has become final.

Learned advocate representing Samir Kumar Das denies the aforesaid allegation.

Representation challenging the candidature of the private respondent in participating in the election is pending consideration before the Registrar of Co-operative Societies for a considerable period of time. Accordingly, leave is granted to the petitioner to file fresh representation before the concerned ARCS highlighting of his grievance with supporting documents within one week from date.

The concerned ARCS shall consider the representation filed by the petitioner only on the issue of ineligibility of the private respondent to participate in the election. A reasonable opportunity of hearing shall be given to the petitioner and the private respondent.

It will be open for the ARCS to verify records of the Co-operative Society to ascertain whether the membership of the private respondent has been cancelled or not.

A decision shall be taken in the matter at the earliest but positively within a period of four weeks from the date of filing the representation.

In the event, the ARCS finds that the grievance of the petitioner is genuine, then necessary remedial steps shall be taken in this regard irrespective of the fact that the private respondent stood elected in the election.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)