

03
21.03.2024
Court No. 24
AGM

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

W.P.A 2572 of 2024

**Debdas Dutta
-versus
The State of West Bengal & Ors.**

**Mr. Balailal Sahoo.
Mr. Sourav Pr. Mukheerjee.
... for the Petitioner.**

**Mr. Sirsanya Bandopadhyay.
... For the State.**

**Mr. Srijan Nayak.
Ms. Rituparna Maitra.
... For the respondent nos. 2 and 3.**

The petitioner claims to the Manager of Onda Large Size Co-operative Primary Agriculture Credit Society Ltd. He was appointed as such on extension of his service for a period of ten years after his retirement. The ten years period is to expire in the year 2025.

He is particularly aggrieved by the communicating memo dated 19th January, 2024 issued by the Deputy Registrar of Co-operative Societies, Co-operative Directorate, Bankura Range directing the addressee Mr. Somnath Dey to take over and make over of the charge from the petitioner as per Rule 19 (1) of the West Bengal Co-operative Societies Rules, 2011.

Rule 19(1) of the Rules relates to notice of general meeting. The aforesaid provision is nowhere related to or connected with handing over or taking charge of the Co-operative Society.

Accordingly, the provision invoked for issuance of the aforesaid notice appears to be incorrect.

From the documents of the writ petition, it appears that there isn't a regular Board of Directors of the Co-operative Society as the election of the Society was not held for quite sometime. The Deputy Registrar of Co-operative Societies is directed to take immediate steps for holding election of the subject Co-operative Society so that a regular Board of Directors may be elected and the Co-operative Society may function properly.

The Deputy Registrar of the Co-operative Society is directed to take up the issue with the Co-operative Election Commission for holding the election of the Co-operative Society.

The Co-operative Election Commission shall ensure that the election is conducted and concluded at the earliest but positively within a period of seven months from the date of communication of this order.

The impugned notice dated 19th January, 2024 is set aside as the same is not in accordance with the provision of law that has been invoked. It will be open for the respondent authorities to take steps in the matter in accordance with law.

The writ petition stands allowed.

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

(Amrita Sinha, J.)