

05&06 27.02.2024
NB Ct. 24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA 4388 of 2024

Sukdeb Sarkar
Vs.
The State of West Bengal & Ors.

With

WPA 26003 of 2023

Murshidabad Patni-Co-operative Society Ltd. & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Partha Pratim Ray,
Mr. Anirban Das.
..for the petitioner.

Mr. Srijan Nayak,
Mr. Biplob Das.
...for the Cooperative Election Commission
in WPA 4388/2024.

Mr. Pradip Kumar Ray,
Mr. Partha Sarathi Pal.
...for the Registrar in WPA 4388/2024.

Mr. Srijan Nayek,
Mr. Ankit Sureka,
Mr. Asis Dutta.
...for the respondent nos.2, 3 &4
in WPA 26003/2023.

Mr. Rajarshi Basu,
Mr. K. M. Hossain.
...for the State in WPA 26003/2023.

Election in respect of the Patni Cooperative Society has been declared on 31st January, 2024. The schedule mentions that the draft voters list has been published on 30th January, 2024. The date for election is scheduled on 15th March, 2024.

The Cooperative Society in question was registered in March, 2020. Since registration of the Society formal election of the Board of Directors could not be conducted primarily because of the embargo by the Election Commission in view of the covid pandemic. The persons whose names appear in the registration certificate of the Cooperative Society functioned as the Board of Directors.

The Cooperative Society participates in various tender processes and the Cooperative Society receives liquid cash on account of running the ferry service. It appears from the submission made on behalf of the parties that two groups of members are fighting amongst themselves to get control of the fund of the Cooperative Society.

As the election in question has already being declared and the Cooperative Election Commission is in the helm of affairs, accordingly, the Election Commission is directed to conclude the election process in accordance with law as per the declared schedule.

The petitioner has already filed a representation before the Deputy Registrar of Cooperative Societies, Murshidabad Range relating to the errors in the draft voters list. The same shall be considered by the Deputy Registrar of Cooperative Societies and it should be ensured that proper persons are permitted to cast their votes in the election.

The Deputy Registrar shall consider the issue prior to the date of voting at the earliest but positively by 8th March, 2024. If it transpires that the Cooperative Society does not conform within the Cooperative Societies Act, 2006 then, necessary

order shall be passed by the Deputy Registrar as to whether the election can be permitted to be held.

A reasonable opportunity shall be given to all the members of the Society to put forth their grievances or suggestions.

Both the writ petitions stand 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.)