

19.06.2024
Ct. No. 2
Sl. No. 28
tbsr

WPA 15033 of 2024

**Shah Md. Khaibul Alam & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Arnab Ray
....for the petitioners

Mr. Srizan Nayak
Mr. Biplob Das
....for the respondent no. 2

Mr. Ankit Sureka
Mr. Asis Dutta
....for the respondent no. 3

Affidavit of service filed in Court today is taken
on record.

Mr. Arnab Ray, learned counsel appears for the
petitioners.

Mr. Srizan Nayak, learned counsel appears for
respondent no. 2.

Mr. Ankit Sureka, learned counsel appears for
respondent no. 3.

The rests are not represented, despite notice.
The reasonable presumption in law is that the non-
appearing respondents do not intend to defend the writ
petition.

Drawing attention to **Annexure P-4 at page 28**
to the writ petition which is the communication dated
September 20, 2022, learned counsel for the petitioners

submits that despite information being furnished before the respondent no. 3, no step has been taken to initiate the election process and to conduct and complete the election of the Board of the concerned Co-operative Society.

To conduct and complete election for formation of the Board of a Co-operative Society is the statutory mandate in terms of the relevant provisions of the act and rules and regulations framed thereunder. Any default thereunder is the violation under the statute.

It appears to this Court, that, Special Officers are already appointed and presently the Board is being run and the affairs of the society is conducted under the supervision of the highest designated employee of the Society pursuant to a direction made by the respondent no. 3 dated **February 27, 2024 at page 36** to the writ petition.

Considering above, to sub-serve justice, the respondent no. 2 is directed to take necessary steps forthwith to initiate the election process of the Society positively within a period of **two weeks** from the date of communication of this order. The respondent no. 2 then shall hold the election and complete the same by constituting the Board of the concerned Society positively within a period of **four months** from the date of initiation of the said election process as directed herein.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above directions and observations, this writ petition **WPA 15033 of 2024** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)