

10.12.2024
Item No.11
Ct. No.26
CHC
(dismissed)

M.A.T. 1217 of 2022

**Delawat Hossain
Vs.
Farakka Credit Co-operative Society Ltd. & Ors.**

Mr. Ovik Sengupta, Advocate
Mr. Vijay Verma, Advocate
....for the appellant

Mr. Partha Sarathi Bhattacharya, Sr. Advocate
Mr. Usaf Ali Dewan, Advocate
Mr. Asif Dewan, Advocate
...for the respondent nos.1 and 2

Mr. Srijan Nayak, Advocate
Mrs. Rituparna Maitra, Advocate
Mr. Biplab Das, Advocate
...for the respondent nos.3 & 4

Mr. Pradip Kumar Ray, Sr. Advocate
Mr. Joydeep Roy, Advocate
...for the State

1. Appeal is directed against the judgment and order dated May 5, 2022 passed in W.P.A. No. 6121 of 2022 and W.P.A. No. 14296 of 2021.
2. The two writ petitions relate to an election to the Farakka Credit Cooperative Society Limited.
3. Appeal is at the behest of a person claiming himself to be a voter of such Cooperative Society. Appellant did not participate in the election to the post of the Cooperative Society. Appellant claims that he did not receive any notice of the election and, therefore, could not vote in the election.

4. In response to the query of the Court as to the number of persons who voted in the election for the Cooperative Society for the relevant year the answer is 92 out of 264 voters.
5. Quorum for the election was therefore fulfilled. Appellant apparently, was working as Manager of the Cooperative Society. There are proceedings relating to his employment pending before other forai. Court is also informed that, there is criminal case pending as against him.
6. Be that as it may, we are concerned with the election to the posts of the Cooperative Society.
7. As noted above, appellant did not participate in the election process at all. At his instance therefore, we are not minded to enter into the arena as to whether, the election was held correctly or not.
8. That apart, the impugned judgment and order dated May 5, 2022 of the learned Single Judge contains cogent reasons as to why the learned Single Judge directed reinstatement of the elected members of the society pursuant to the election so held.
9. In course of hearing of the appeal, we are informed that the next election is scheduled in 2026 and that, the Committee took a resolution fixing the schedule of the election.
10. Learned Senior Advocate appearing for the Cooperative Society made over a copy of the

resolution as well as the election schedule to the learned advocate for the appellant in Court.

11. At least for the next election therefore, the appellant before us will be without to the grievance of no notice of the election being given to him.
12. In view of the discussion above, we are not minded to interfere with the impugned judgment and order dated May 5, 2022.
13. M.A.T. 1217 of 2022 along with connected applications are dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)