

**HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 1778 of 2025

Prasanta Jana & Anr.

Vs.

The State of West Bengal & Ors.

For the petitioners : Mr. K.M. Hossain
Mr. Kazi A.Ali

For the respondent nos. 1, 2 & 3 : Mr. Ankit Sureka
Mr. Biplob Das
Mr. Partha Sarathi Pal

For the Co-operative Election Commission : Mr. Srijan Nayak
Ms. Rituparna Maitra

Heard on : 29.01.2025

Judgment on : 29.01.2025

JAY SENGUPTA, J:

This is an application praying for direction upon the respondent authorities to immediately rescind, cancel, withdraw or set aside the entire election process of the respondent Co-operative Society namely Radhakrishnagar Samabai Krishi Unnayan Samiti Limited, which is to be held on 01.02.2025 and further direct the respondent authorities to conduct fresh elections after rectification of anomalies as stated in the writ petition.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the member of the above referred Co-operative Society and thus, have right to vote in the ensuing elections. A provisional

list of voters was published on 01.12.2024. There the petitioners' names appeared. But, in the final list dated 12.12.2024 their names were absent. First, the petitioners approached the Returning Officer who did not respond to the petitioners' allegations. Thus, the petitioners were constrained to make a representation before the concerned ARCS by a letter dated 15.01.2025. This letter has not yet been responded to. The elections are scheduled to be held on 01.02.2025. The petitioners are *bona fide* voters and their names should be included in the list and it is only after such correction is effected that the election should take place.

Learned counsel appearing on behalf of the respondent no. 4/ Co-operative Election Commission, West Bengal denies the allegations and submits as follows. Disputes regarding voters list or, for that matter, election related issues have to be taken up with the respondent no. 4. The petitioner never approached the respondent no. 4 for such purpose. There is no proof that even the Returning Officer was approached. It is only on record that the petitioners made representation before the ARCS on 15.01.2025, much after the publication of the final voter list on 12.12.2024. The ARCS is anyway not the authority to deal with such complaints. There are several steps which have to be taken after a voter list is finalised and they have been taken in the instant case. There is no time left now for the respondent no. 4 to do the entire process all over again due to the laches of the petitioners in not approaching the respondent no. 4 in time.

It appears that the final list of voters was published on 12.12.2024. But, the petitioners made a representation before the concerned ARCS only

on 15.01.2025. There is no document to evince that they had even approached the Returning Officer earlier.

First, the petitioners did not approach the proper authority for having the voter list corrected. Till date, there is no representation made before the respondent no. 4 in this regard.

Secondly, there is hardly any time before the elections to have the entire process of rectification of voters list done all over again. The election process cannot suffer for the laches on the part of the petitioners in not reporting the matter before the concerned authority i.e., the respondent no. 4 in time.

Therefore, I do not find any merit in this application.

Accordingly, the writ petition is dismissed.

However, there shall be no order as to costs.

As affidavits were not called for, the allegations made in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this judgment may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J)