

13.11.2025

Daily List Sl.99
Court No. 24
Moumita

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

W.P.A. 10326 of 2025

**Shyamolendu Singha & Anr.
Vs.
The State of West Bengal & Ors.**

**Mr. Uday Sankar Chattopadhyay
Ms. Sadia Parveen
Mr. Pronay Basak
Ms. Bidisha Chakraborty
Ms. Rajashree Tah
Ms. Trisha Rakshit
Ms. Aishwarya Datta**

....for the Petitioner

**Mr. Pradip Kr. Roy
Mr. Partha Sarathi Pal
Mr. Asis Dutta**

....for the Respondent nos. 2 and 3

**Mr. Ankit Sureka
Mr. Biplob Das**

....for Respondent no. 6

**Mr. Srijan Nayak
Ms. Rituparna Maitra
....for the Cooperative Election Commission**

**Mr. Tanay Chakraborty
Ms. Subhasri Chatterjee**

....for the State

**Mr. Deepnath Roychowdhury
Mr. Vijay Verma**

....for the Respondent nos. 7 and 8

1. Mr. Chattopadhyay, learned counsel appearing for the petitioner states that the order of March 3, 2025 passed by the respondent no. 5 is based on a wrong notion that the order dismissing the writ

petitions challenging the election procedure by the High Court on January 27, 2025 was an order on merits and was thereafter binding on him.

2. Mr. Chattopadhyay further submits that by the order of this Hon'ble Court passed on the 27th January, 2025 the Writ Petitions challenging the election procedure was dismissed on the ground that certain disputed questions of facts were involved, on account whereof the Writ Court would not entertain the writ petitions. There was no finding by the learned single Judge on any factual issue in the matter.
3. Mr. Nayak, learned counsel appearing for the respondent no. 5 submits that the election process, which has been challenged, is over and members of the board have already been elected and nothing remains in the matter.
4. I find from the order of 27th January, 2025 that this Court has dismissed the Writ Petition on the grounds that disputed questions of facts were involved, which

could not be gone into by a Writ Court.
Factual issues were not gone into by this Court in any manner.

5. The Respondent no. 5 has proceeded on the notion that the writ petition decided the issue on merits and hence he was bound by the same. This is clearly erroneous. Thus, the respondent no. 5 is directed to consider dispute case no. 21/CEC, WB of 2023 afresh in so far as the facts are concerned, since they were not deliberated by this Court while passing the order of 27th January, 2025.
6. In view of the aforesaid direction, the Writ Petition being **WPA 10326 of 2025** is **disposed of**.
7. There shall, however, be no order as to costs.
8. Urgent Photostat Certified copy of this order be given to the parties, if applied for.

(REETOBROTO KUMAR MITRA, J.)