

20.05.2025
sayandeep
Sl. No. 12
Ct. No. 05

WPA 10489 of 2025

Sambhunath Das
Vs.
State of West Bengal & ors.

Mr. Upendra Roy
Ms. Kanchan Roy
.....for the petitioners

Mr. Ankit Sureka
Mr. Biplab das
Mr. Partha Sarathi Pal
.....for the respondent Nos.
3 & 4

Mr. Srijan Nayak
Mrs. Rituparna Maitra
....for the respondent No. 8

Mr. Kamal Krishna Pathak
Mr. Tarak Nath Halder
....for the respondent Nos. 11,
13, 14, 15 & 16

1. The petitioner is aggrieved as regards the convening and the outcome of the Annual General Meeting held on 16th March, 2025, as also with alleged non-publication of the draft voters list. The petitioner claims to be an ex-secretary of the first Board of the Co-operative Society, namely, Neelkuthi Co-operative Housing Society Ltd. (in short the “said society”). Mr. Roy, learned advocate appearing in support of the writ petition has relied on a representation dated 2nd May, 2025 addressed to the Secretary of the respondent no.8. He would submit that despite the aforesaid representation, no steps have been taken.
2. Mr. Nayek, learned advocate appears on behalf of the West Bengal Co-operative Election Commission and

has placed before this Court the resolution of the Office Bearer Election of the said society held on 30th April, 2025 and would submit that the office bearers of the said society were unanimously elected. Let a copy of the aforesaid resolution dated 30th April, 2025 be taken on record.

3. Since the election process has already been completed and the petitioner had subsequently by letter dated 2nd May, 2025 lodged a complaint with the Secretary, Co-operative Election Commission, West Bengal as appearing at page-97 of the writ petition and though such complaint does constitute a dispute within the meaning of Regulation 35(1) of the West Bengal Cooperative Election Commission Regulations, 2012, however, since the same is in the nature of a complaint and not a formal application, I am of the view that in the event, the petitioner approaches the West Bengal Co-operative Election Commission with an appropriate application raising a dispute within a period of two weeks, the Co-operative Election Commission having regard to the observations made herein shall hear out and dispose of such dispute in accordance with law within a period of 16 weeks from the date of filing such dispute case.
4. With the above observations and directions, the writ petition is disposed of.
5. It is made clear that this Court has not gone into the merits of the case, and the West Bengal Co-operative

Election Commission shall decide on the dispute being
uninfluenced by any of the observations made herein.

(Raja Basu Chowdhury, J.)