

15.07.2025
Item No.
AD 4
Saswata

WPA 11995 of 2025

**Hemanta Kumar Chakraborty
versus
The State of West Bengal & Ors.**

Mr. S.Sinha Roy

...For the petitioner

Mr. Santanu Kr. Mitra, Sr. Gvt. Advocate

Mr. Subhabrata Das

...For the State

Mr. Ankit Sureka

Mr. Biplab Das

Mr. P.S.Pal

...For the respondent nos. 2 & 3

Mr. Srijan Nayak

Ms. Rituparna Maitra

...For the added respondent

1. The instant writ petition has been filed, inter alia, praying for a direction upon the respondents to act in accordance with law and to permit the petitioner to act as an authorised signatory and conduct the affairs of the cooperative society as a high designated employee of the said society.
2. Having heard the learned advocates appearing for the respective parties, I find that the petitioner claims that the respondent no. 4 is a farming cooperative society in terms of the West Bengal Land Reforms Act, 1955 and is registered under the relevant provisions of West Bengal Cooperative Societies Act, as was prevalent during the time of its registration. The petitioner is, therefore, primarily a cooperative society within the meaning of Section 4(31) of the Cooperative Societies Act, 2006 (hereinafter referred to as the “said Act”).
3. As per the disclosure made by the petitioner on the basis of the resolution dated 18th February, 2023, the

five year tenure of the board of directors of the cooperative had expired on 17th February, 2023. The petitioner who is the accountant and the highest designated employee of the society was appointed to manage the affairs of the cooperative society till the appointment of a special officer. Since then, the special officer has been appointed and has taken charge of the society and has been continuing to manage the affairs of the society. Having regard to the provisions contained in the said Act, I find that ordinarily a special officer can be appointed only for a period of 6 months. Having regard to the provisions contained in Section 36 of the said Act, a special officer is required to continue and manage affairs of the cooperative society till a new board of management is elected and enters office, subject to the restriction contained in Section 36(3) of the said Act.

4. Having regard to the continuance of the special officer beyond the time prescribed in Section 36(3) of the said Act, I am of the view that instead of permitting the petitioner to act and manage the affairs of the cooperative society, it would be prudent to direct the Cooperative Election Commission to initiate and complete the election process so that a new board can be re-constituted and assume office. Accordingly, let the West Bengal Cooperative Election Commission be added as a party respondent to the present writ petition. The department is directed to carry out the above direction.

5. Mr. Nayak, learned advocate who usually appears on behalf of the West Bengal Cooperative Election Commission is present in Court today. He is directed to appear on behalf of the West Bengal Cooperative Election Commission. Let his appointment be regularized along with a junior of his choice.
6. The West Bengal Cooperative Election Commission is directed to forthwith appoint a Returning Officer in respect of the cooperative society for holding election of the board of directors of the said society and conclude the same in accordance with law.
7. The entire election process must be concluded within two months from the date of communication of this order. Till such time, the special officer who is in charge shall continue to discharge his functions in terms of the order passed by the appropriate authority.
8. It is made clear that in the event, the tenure of the special officer expires, the Government shall extend the tenure of the special officer till a new board of directors assumes office, however, such extension under no circumstances shall continue for a period beyond two months from date.
9. With the above observations, the writ petition is disposed of.
10. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)