

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 13970 of 2025

Paran Sarkar
Versus
The State of West Bengal & Ors.

Mr. Tarunjyoti Tewari
Mr. Dipankar Bhakta
... For the petitioner.

Mr. Aviroop Bhattacharya
... For the State

Mr. Pradeep Kumar Ray, Sr. Advocate
Mr. Biplab Das
Mr. Asis Dutta
... For the respondent no.3.

Mr. Srijan Nayak
Ms. Rituparna Maitra
... For Cooperative Election Commission

1. Affidavit of service filed in Court today is taken on record.
2. The present writ petition has been filed inter alia challenging the publication of the voters list on the basis of the election schedule published by the Assistant Returning Officer, Dilkanthi Samabay Krishi Unnayan Samiti Limited, Dakshin Dinajpur.
3. Mr. Tewari, learned advocate representing the petitioner by drawing attention of this Court to the final voters list would contend that there are several dead persons who have been included in the aforesaid voters list. On such ground the aforesaid voters list stands vitiated and no valid election for Board of Directors of the Cooperative society is possible. This apart, it is contended that the polling booth is approximately six kilometers away from

the place where on the previous occasion the polling was conducted for holding such election. According to him, the aforesaid polling booth situated at Sudarshan Nagar PHHV High School, Patharghata, Banshihari would cause serious inconvenience to the members of the cooperative society. Although a complaint had lodged in this regard, no steps have been taken by the Assistant Returning Officer. He would also express serious concern about the safety and security of the members having regard to the fact that the polling station is about six kilometers away from the place where the previous election was conducted.

4. Having heard the learned advocates appearing for the respective parties and considering the materials on record, I find that the election schedule had been published by the Assistant Returning Officer long back. As per the election schedule, the voters list has been published on 24th April, 2025. The petitioner did not make any contemporaneous complaint. The only complaint made by the petitioner was on 5th May, 2025 with regard to the location of the polling booth and the distance that the members would be required to travel. Apart from making such complaint, no follow up steps were taken. Since then, after expiry of the date for filing of nomination forms and upon examination of the nomination forms, final list of valid candidates have already been published on 12th June, 2025. The election is scheduled to be held on 6th July, 2025 and the instant

writ petition has been filed on 23rd June, 2025. Although, the petitioner claims that the members are being inconvenienced, however, from the statement made by Mr. Ray, learned senior advocate representing the respondent nos. 2 and 3 and from the materials on record it appears that though a list of a total number of 982 voters has been published, none, apart from the petitioner has approached this Court. The petitioner has also approached this Court belatedly. There appears to be no appropriate explanation for delay in approaching this Court.

5. Having regard thereto, I am not inclined to entertain the writ petition, however, at the same time considering the fact that the election must be held in a free and fair manner, I direct the Assistant Returning Officer and the Superintendent of Police, Dakshin Dinajpur to provide all assistance and support for holding free and fair election.
6. With the above observations and directions, the writ petition is disposed of.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)