

14.07.2025
Court No.13
Item No. 20
AP/sp

**M.A.T. 995 of 2025
With
CAN 1 of 2025**

**Sri Khakan Chowdhuri & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Raja Saha,
Mr. Sujit Sankar Koley,
Mr. Sanjay Mukherjee,
Ms. B. Roy.

...for the Appellants.

Mr. Pradip Kumar Roy, Id. Sr. Adv.
Mr. Ankit Sureka,
Mr. Partha Sarathi Pal.

..for the Respondent Nos.5 and 6.

Mr. Srijan Nayak
Ms. Rituparna Maitra

..for the Respondent No.9.

1. The instant appeal is directed against an order dated 24th June, 2025 passed by a Single Bench of this Court. The grievance of the two writ petitioners is that a cooperative society comprising of about 1800 people is going to undergo an election process preventing more than 1700 of them to decide to file nominations. This is a three tire election of a Grade I cooperative society.

2. The Single Bench found that the writ petition as belated and dismissed the same.

3. It appears that as per the original election schedule, a place outside the geographical area of the ten villages comprising of its members was selected as

a venue. About 183 members of the society, that include senior citizens, old and infirm farmers and others addressed the representation to the ARCS, that they are not in a position to travel to the venue.

4. By this time on 12th June, 2025, the petitioners approached the Single Bench with a writ petition challenging the election process. In the mean time ARCS/RO appears to have acceded to the request of 183 members and in terms with the applicable rules and has shifted the venue of the election of the Society's office. There was no other grievance against the election raised by any other members except the two writ petitioners.

5. The grievance of the writ petitioners as indicated above is that in terms of the the new election schedule that since nomination was already received prior to the new election schedule, the revised schedule was to start from the process of filing of nomination and publication of final list of candidates for being elected as delegate.

6. Mr. Raja Saha, learned counsel for the appellants would argue that there are only 74 nominations received against 74 posts, the election would be uncontested. He therefore, prays for liberty to other members to file nomination for the post of delegate.

7. This Court firstly notices that after the initial grievance with regard to the venue of the election, none of the 183 members raised any further grievance specially expressing their intention to file nomination. Such intention was not expressed even prior to the election schedule.

8. The grievance of the appellants/writ petitioners that they have been deprived of an opportunity to participate in the election is, therefore, not sustainable.

9. Mr. Saha further submits that they could not raise the request for being allowed to participate from the process of filing of filing of nomination was not made because of this appeal already filed.

10. The aforesaid argument also cannot be sustained for the reasons that there was no such request made at the initial stages of the election that the distance between ten villages and the venue for election stood in the way of filing of nominations. If any of 1800 members other than those who filed nomination was interested in filing the same, they could have sent the nomination papers by post.

11. This Court cannot also lose sight of the fact that only two writ petitioners have come aggrieved before this Court. If they were filing it in the representative

capacity, leave under Order 1 Rule 8 of the CPC ought to have been sought.

12. In view of the above, MAT 995 of 2025 fails and is hereby dismissed.

13. Consequently, CAN 1 of 2025 shall stand disposed of.

14. If the ARCS/RO of the Election Commission, in its exclusive discretion, wishes to allow further nomination and publish a fresh schedule, they may do so and it is reiterated that they shall do so only in their sole discretion and nothing else.

15. There shall be no order as to costs.

16. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)