

22.07.2025
Item No.
AD 83
Saswata

WPA 15797 of 2025
Sajal Dhani & Ors.
V.
State of West Bengal and ors.

Mr. Soumyadip Biswas
Ms. Puja Banerjee

...For the petitioner

Mr. K.J.Yusuf, AGP
Mr. R. Roy

...for the respondent nos.1,6,7 and 8

Mr. Raja Saha
Mr. Suvojit Panja
Mr. Sanjay Mukherjee
Ms. B. Roy

...For the added respondent cooperative society

Mr. Srijan Nayak
Ms. Rituparna Maitra

...For the Cooperative Election Commission

Mr. P.K.Roy, Sr. Adv.
Mr. Ankit Sureka
Mr. Biplab Das

...For the respondent no. 2

Mr. Sabyasachi Chatterjee
Mr. Subhajit Panja

...For the added respondents

1. Affidavit of service filed in Court today is retained with the record.
2. The instant writ petition has been filed, *inter alia*, questioning the final publication of the voters list, though the revised schedule for holding the election has already been notified by the A.R.C.S on 10th July 2025.
3. At the very outset, Mr. Saha learned advocate intervenes in this matter and would submit that he represents the cooperative society.
4. Having heard Mr. Saha and the learned advocates appearing for the respective parties including that of the petitioners, I am of the view that the cooperative society is a necessary party in the present writ

petition. Accordingly, I grant liberty to the petitioners advocate on record to add the cooperative society as an added respondent and to serve a copy of the writ petition to Mr. Saha.

5. Although, Mr. Nayak learned advocate appearing for the Cooperative Election Commission submits that at this belated stage the writ petition cannot be entertained when the election has been fixed as per the revised schedule on 27th July, 2025, however, having regard to the submission made on behalf of the petitioners and Mr. Roy, learned Senior Advocate appearing for the respondent no. 2 and noting the statutory mandate making the employees of the cooperative society ineligible to participate in the election process, having regard to the provisions of Section 63(2) of the Cooperative Societies Act, 2006 (hereinafter referred to as the “said Act”), I propose to dispose of the instant writ petition by passing the following order.

6. The election process as scheduled shall go on, however, the Cooperative Election Commission should ascertain upon giving an opportunity of hearing to all concerned, on the basis of the disclosure made in the petition and/or any further disclosure to be made by the petitioners in course of the day with Mr. Nayak, whether any name of employees of the Cooperative Society have been included in the final voters list, and in the event of such inclusion, to strike off their names having regard to Section 63(2) of the said Act.

7. Also noting that the petitioners had disclosed six several death certificates pertaining to the members, whose names have been notified in the list, the Cooperative Election Commissioner is directed upon its satisfaction as regards genuinity of such certificates to strike off the names of the deceased voters. Let it be placed on record that both Mr. Saha, learned advocate for the added respondent, and Mr. Biswas, learned advocate appearing for the petitioners, agree to the aforesaid procedure. Mr. Sabyasachi Chatterjee, learned advocate appearing for some of the members of the society would like to intervene, however, at this stage, according to him since the direction proposed does not interfere with his clients' rights, he does not press the claim for intervention.
8. It is also directed that Mr. Biswas, learned advocate shall supply a list of the names of those persons who are employees of the society and have been wrongly included in the final list of voters, both to Mr. Nayak as also to Mr. Saha in course of the day. If such list is provided, the Election Commission shall act on the basis of such list and ascertain the genuinity thereof by affording opportunity of hearing to all concerned on 25th July, 2025. On the basis of the disclosure as aforesaid, if the claim of the petitioners is found to be genuine, the Election Commission shall act accordingly and cause a fresh publication of the voters list on 26th July, 2025.
9. The writ petition is, accordingly, disposed of.

10. All parties shall act on the basis of the server copy of the order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)