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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 16812 of 2025

Asit Kumar Shyamal & Ors.
Versus
The State of West Bengal & Ors.

Mr. Swarup Pal
Mr. Ritwik Pattanayak
... For the petitioners.

Mr. A. Roy
Mr. Niloptal Chatterjee
Mr. Tanoy Chakraborty
... For the State

Mr. Srijan Nayak
Mrs. Rituparna Maitra
... For the cooperative election
commission

Mr. Pradip Kumar Roy, Sr. Advocate
Mr. Ankit Sureka
Mr. Partha Sarathi Pal
... For the respondent nos. 2 and 7.

1. The instant writ petition has been filed, inter alia, questioning the steps taken by the Assistant Returning Officer in not only setting up the venue of the election at Shyampur Basuli Vidyabhawan, which the petitioners claim to be far away from the place where the cooperative society is situated, but also the publication of the list of contesting candidates for the election of delegates of Uttar Kachuya Shitala Samabay Krishis Unnayan Samity Ltd. (hereinafter referred to as the “said Society”).

2. The petitioners claim to be members of the said Society, though they are not contesting the election, however, since on 29th July, 2025, Mr. Pattanayak learned advocate representing the petitioners by drawing attention of this Court to the list of contesting candidates for election of delegates published by the Assistant Returning Officer on 17th July, 2025 had identified certain candidates to be contesting from a particular constituency despite not being residents of such constituency and such candidature being contrary to paragraph 8 of election schedule published by the Assistant Returning Officer on 26th June, 2025 which requires that the candidate should be a resident of the constituency, this Court had called upon the respondents to take appropriate instructions in the matter.

3. Today, Mr. Nayak, learned advocate representing the Cooperative Election Commission by placing before this Court the corrected copy of the list of contesting candidates which according to him had been published on 17th July, 2025 itself would submit that immediately upon an error being detected, the same has been rectified. The aforesaid list would demonstrate that the candidates who are participating in the election are residents of the particular constituency from where they are contesting. According to Mr. Nayak, the petitioners have suppressed the aforesaid documents and filed the writ petition on the basis of rejected copy of the list of contesting candidates for election of delegates.

4. Mr. Pattanayak, learned advocate representing the petitioners upon going through the copy of the revised list of candidates would submit that on the revised copy there is no irregularity, though according to him such copy was not available on the notice board earlier. It may be relevant to note that Mr. Pal, learned advocate leading Mr. Pattanayak, learned advocate representing the petitioners by drawing attention of this Court to the bye-laws of the said Society has tried to make out a case that since the area within which the said Society is to function having been identified, the election ought to have taken place within such locality and not beyond such locality. In this context he has also drawn attention of this Court to regulation 3(11) of the West Bengal Cooperative Election Commission Regulation, 2012 to highlight the fact that the polling officer is required to consult with the local authorities for selection of the polling station. The nature of consultation with the local authorities is meant for deciding the venue, for holding election within the local area of the said Society.

5. Having heard the learned advocates appearing for the respective parties including Mr. Ray learned senior advocate representing the respondent nos. 2 and 7, I find, as rightly pointed out by Mr. Roy that the said Society comprises of 1600 members and out of such members, only 13 members have come forward. Though ordinarily the venue ought to be within the local jurisdiction, I find

that there has been no immediate complaint by the petitioners. I also notice that there is no demand justice made by the petitioners. The election schedule was published on 26th June, 2025 and the present writ petition has been filed on 24th July, 2025. The petitioners appear to have taken a chance by filing the writ petition belatedly knowing fully-well that the election is scheduled on 2nd August, 2025. Any interference at the stage is likely to stall the election process which has commenced long back. The writ petition also appears to have been filed by suppression of material facts, *inter alia*, including suppression of the corrected copy of the list of contesting candidates dated 17th July, 2025.

6. In view thereof, I am of the view that the writ petition cannot be admitted and the same is accordingly dismissed without any order as to costs.

(Raja Basu Chowdhury, J.)