

WPA 17259 of 2025

Sri Debasish Saha & Ors.  
Vs.  
Registrar, Co-operative Societies, West Bengal & Ors.

Mr. Soumyadeep Biswas  
.... for the petitioners

Mr. P. K. Roy  
Mr. Ankit Sureka  
Mr. Biplab Kar  
.... for the respondents  
no. 1-5

Mr. Srijan Nayek  
Ms. Rituparna Maitra  
.... for the Co-operative  
Election Commission

1. Let affidavit-of-service along with supplementary affidavit of service as filed in Court be kept on record.
2. The petitioners, in this action, do not seek stay of the election of the Krishnagar Ward No. 18, Hawkers Co-operative Societies Limited, which is scheduled to be held on November 9, 2025.
3. However, Mr. Biswas, learned Advocate appearing for the petitioners, seeks protection on the basis of an apprehension that the election may be controlled in some manner or the other by erstwhile members of the Board, the tenure whereof, had expired sometime in 2021.
4. The principal contention of Mr. Biswas is that the Board's tenure having expired sometime in 2021,

the Management of such Board including the conduct of the elections ought to have been handed over to a Special Officer as entailed in Section 36 of the West Bengal Co-operative Societies Act, 2006 (hereinafter referred to as the “said Act”).

5. Mr. Biswas’s apprehension is also that the electoral roll of the Society may have been tampered, to the extent that non-members may have been included as members in the electoral roll.
6. This point, of course, does not find place in the writ petition, since the draft electoral roll was circulated sometime in June, 2025 and having considered all the views of all the members, the electoral role has since been finalized.
7. Mr. Nayek, learned Advocate appearing for the respondents no. 2, 3 and 4, submits that conducting an election of a Co-operative Society as entailed in the Act is the exclusive domain of the Election Commission and neither the Special Officer, if there be any, nor the erstwhile members of the Board, have any say or role to play in conducting such election.
8. He further submits that upon preparation of the draft electoral role, this being a small Society of approximately 68 members, objections were invited from all the members personally and the

petitioners' objections have also been taken into account and only thereafter the final electoral roll has been prepared.

9. It is not in dispute that presently the Returning Officer and the Assistant Returning Officer have been appointed by the Commission to conduct a free and fair election of the Society.

10. These officers, respondents no. 3 and 4 are government officers and there is no reason to presume that they will not conduct the election in a free and fair manner.

11. The apprehension of the petitioners are pre-emptive. Such apprehension lacks any corroborative evidence.

12. Except for the notice of March 29, 2025, by the erstwhile members of the Board, calling for a meeting of all the members of the Society, there is no other insinuation against the erstwhile members or their intent to frustrate or control the electoral process. However, to ensure that free and fair elections are conducted, the Inspector-in-Charge of Kotwali Police Station, District-Nadia, is directed to ensure that the elections of the Society are held peacefully without any untoward incident and without any interference from any persons and if necessary to depute adequate force to ensure the same.

13. The petitioners are all members of the Society and their names are appearing in the electoral roll.
14. The instant writ petition is, thus, disposed of with the aforestated directions.
15. There shall, however, be no order as to costs.
16. Since no affidavit is called for, the allegations contained in the writ petition are deemed not to be admitted.
17. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

**(Reetobroto Kumar Mitra, J.)**