

123
09.09.2025
sb
Ct.5.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19846 of 2025

Kalyan Kumar Nag & Anr.
Versus
The State of West Bengal & Ors.

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
Mr. Samrat Chakaraborty
... For the petitioners.

Mr. Saptak Sanyal
.... For the State.

Mr. Ankit Sureka
Mr. Biplab Das
Mr. Partha Sarathi Pal
... For the respondent nos. 4 and 5.

Mr. Srijan Nayak
Mrs. Rituparna Maitra
.... For the respondent no.9

1. Affidavit of service filed in Court is taken on record.
2. The records reveal that by an order dated 13th March, 2025 a Coordinate Bench of this Court had directed the Cooperative Election Commission, West Bengal to take immediate steps and complete the election of the respondent no.7, being Ayeshbagh Samabay Krishi Unnayan Samity Ltd. (hereinafter referred to as the “said Cooperative Society”) within a period of three months.
3. Records would also reveal that although, steps have been taken by the Cooperative Election Commission, West Bengal to hold and conclude the election process by

appointing an Assistant Returning Officer and though an election schedule was published, Mr. Roy, learned advocate representing the petitioners has drawn the attention of this Court to the communication dated 28th July, 2025, issued by the IC, Murshidabad PS, Murshidabad PD and would submit by reasons of failure on the part of the police authorities to afford necessary assistance, the election had to be postponed. Though according to him, the writ petition has been filed in effect to direct the appropriate authorities to take effective steps to conclude the election process, however, by placing before this Court a fresh election schedule published by the Assistant Returning Officer on 23rd August, 2025, he would submit that a fresh schedule has been published, after the writ petition was affirmed. Notwithstanding the above, the petitioners are apprehensive that the election may not proceed unless, appropriate directions are issued on the police authorities to render assistance for completion of the process.

4. Having heard the learned advocates appearing for the respective parties and noting that the principal grievance of the petitioners is with regard to the non-completion of the election process, I am of the view since, a fresh election schedule has already been published by the Assistant Returning Officer on 23rd August, 2025, the election must be completed as scheduled. Needless to note that the Assistant Returning Officer shall conduct the election and also take all steps as are necessary for

completing the election as per the aforesaid schedule, in accordance with law. Since, Mr. Nayak, learned advocate representing the respondent no.9, submits that the assistance of both the District Magistrate as also the Superintendent of Police, Murshidabad, would be required, to complete the election in a free and fair manner, let the District Magistrate, Murshidabad be added as party to the present writ petition.

5. Leave is granted to the learned advocate-on-record of the petitioners to amend the cause title and add the District Magistrate, Murshidabad, as a party respondent.

6. Mr. Sanyal, learned advocate who is present in Court on behalf of the State enters appearance on behalf of the added respondent. Let a amended copy of the writ petition be served on him.

7. As noted above, the Assistant Returning Officer must ensure that the election of the said Cooperative Society is conducted in accordance with law.

8. The District Magistrate and the Superintendent of Police, Murshidabad, are directed to afford adequate assistance to the Assistant Returning Officer for completing the election process.

9. Since, no other issue survives, the writ petition is disposed of without any order as to costs.

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

(Raja Basu Chowdhury, J.)