

125. 09.09.2025
Court No.05.

(Pritam)

WPA 20242 of 2025

Mihir Kumar Ghosh.

-Vs.-

The State of West Bengal & Ors.

Mr. Ayan Banerjee,
Ms. Debasree Dhamal,
Ms. Riya Ghosh,
Mr. Ajeyo Chowdhury.

....for the petitioner.

Mr. Pradeep Kumar Roy,
Mr. Ankit Sureka,
Mr. Biplob Das.

....for the respondent nos.2, 3 & 4.

Mr. Kamal Krishna Pathak,
Mr. Souvik Maji.

.....for the respondent no.5.

Mr. Srijan Nayek,
Mrs. Rituparna Maitra.

....for the Cooperative Election Commission
(added party).

1. Affidavit-of-service filed in Court today is taken on record.
2. The instant writ petition has been filed not only complaining of illegal transfer of membership in respect of the respondent no.5 (hereinafter referred to as the “said Cooperative Society”), but also for a direction for holding elections of the said Cooperative Society in terms of the West Bengal Cooperative Societies Act, 2006 and the Rules framed thereunder (hereinafter referred to as the “said Act”).

3. Having heard the learned advocates for the respective parties, I find that the petitioner seeks for appointment of an administrator, to operate the affairs of the cooperative society.
4. Mr. Roy, learned senior advocate representing the Registrar of Cooperative Societies would submit that the election in the aforesaid cooperative society is due for a long time. In the light of the above, I am of the view that the writ petition can be disposed of by issuing appropriate directions on the Cooperative Election Commission, West Bengal to hold fresh elections in the cooperative society. However, since, the Cooperative Election Commission, West Bengal is not a party, let the Cooperative Election Commission be added as party respondent in the present writ petition. Leave is granted to the petitioner's advocate on record to add Cooperative Election commission, West Bengal having its office at New Secretariat Building, Block A, 4th Floor, 1, Kiran Sankar Roy road, Kolkata – 700001, as an added respondent.
5. Mr. Nayek, learned advocate who usually appears for the Cooperative Election Commission is present in Court today. Let a copy of the writ petition be served on him. He is directed to appear for the added respondent. Let his appointment be regularised.
6. Since, the election to the cooperative society is due for a long time and as the tenure of the Board of the society

has already expired, I am of the view that adequate steps be taken by the added respondent for conducting the election in accordance with law within a period of three months from the date of communication of this order.

7. Since, the writ petition is disposed of without calling for affidavits, the allegations made in the writ petition are deemed not to have been admitted by the respondents.
8. However, it is made clear that this Court has not gone into the other issues and it will be open to the petitioner to raise such issues before the appropriate forum, if so advised.

(Raja Basu Chowdhury, J.)