

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

M.A.T. 1664 of 2024

Jeevan Krishna Chowdhury

vs.

The State of West Bengal & Ors.

For the Appellant

: Mr. Vivekananda Bose

Mr. Puranjan Pal

Mr. Ratikanta Pal

For the Respondent Nos.

9,10,16,24,25,28,29,30,

33 & 34

: Mr. Pabitra Charan Bhattacharjee

Mr. Sovan Nayak

For the Respondent Nos.

11,12,14,15,17,18,19,21,22,23,26,27,

31 & 32

: Mr. Subhajit Panja

For the Respondent

Nos. 3 & 5

: Mr. Ankit Sureka

Mr. Biplab Das

For the Respondent No. 13

: Rajdeep Bhattacharya

Mr. Arkadipta Sengupta

For Cooperative Election

Commission

: Mr. Srijan Nayak

Ms. Rituparna Maitra

For the State : Ms. Joyeeta Sinha
Mr. Ranjit Rajak

Heard and Judgment on : January 24, 2025

DEBANGSU BASAK, J.:-

1. Appeal is directed against an order dated August 2, 2024 passed in W.P.A. 19263 of 2024.
2. By the impugned order, learned Single Judge dismissed the writ petition on the ground that the appellant before us participated in the election process. Learned Single Judge noted that the appellant wants the election postponed. Learned Single Judge did not permit a person who participated in an election to maintain a writ petition for postponing the election.
3. Appeal is at the behest of the writ petitioner.
4. Writ petitioner participated in an election for a Central Cooperative Society being the respondent no. 9 herein. Court is informed that the total members of the Central Cooperative Society is 68 members. Voters' list in respect of the election to the Central Cooperative Society was published. The published voters' list contains 26 legal entities.
5. According to the appellant, 5 legal entities out of the 26 legal entities named in the voters' list are defunct and not entitled to participate in the election process. Respondent nos. 12, 13, 17, 20 and 25 are identified in such respect.

6. Learned advocate appearing for the appellant submits that, 12 members were required to be elected. 12 members submitted nomination forms for the purpose of election. Since the number of nominations filed equated to the number of posts vacant, no election was held and all 12 members were elected uncontested.

7. Learned advocate appearing for the appellant submits that, out of 12 members who were elected uncontested, 3 could not and should not be elected since they formed part of the 5 legal entities who are defunct and not entitled to participate in the election.

8. Respondents are represented.

9. We are not minded to interfere with the impugned order in the factual matrix noted herein.

10. The quorum for the election of the respondent no. 8 consisting of 68 members is 1/5th of the total members, which is 14. Voters' list was published for 26 members. Assuming that 5 of the 26 members were not to be placed in the voters' list, then also, the valid voting members in the voters' list were in excess of the quorum. That apart, simply by reason of the respondent nos. 1, 12, 13, 17, 20 and 25 being allegedly defunct, they should not be placed in the voters' list, cannot be accepted. The entitlement to be placed in the voters' list is on the basis of the membership in the Central Cooperative Society. Membership of respondent nos. 12, 13, 17, 20 and 25 in the Central Co-

operative Society cannot be doubted. There may be dispute as to who gets to represent the respondent nos. 12, 13, 17, 20 and 25 in the election to the Central Co-operative Society. That issue is not required to be decided in the writ petition filed by the appellant before us. Such an issue is required to be raised, if such issue exists, by the members of the respondent nos.12, 13, 17, 20 and 25 before the appropriate forum, which was not done. It is not for the appellant to dictate us to who represents the respondent nos.12, 13, 17, 20 and 25.

11. We find no infirmity in the impugned order and hence no ground for appeal.

12. **M.A.T. 1664 of 2024 is dismissed** without any order as to costs.

13. In view of the dismissal of the appeal, all connected applications are disposed of.

(Debangsu Basak, J.)

14. I agree.

(Md. Shabbar Rashidi, J.)

S.D.