

17.09.2025
Item No. 07
Ct. 05
sayandeep

WPA 21815 of 2025

**Smt. Chandana Das
versus
The State of West Bengal & Ors.**

Mr. Chittapriya Ghosal
Mr. Gourav Ghosal

...For the petitioner

Mr. Tanoy Chakraborty
Mr. Saptak Sanyal

....For the State

Mr. Srijan Nayak
Mrs. Rituparna Maitra

.....for the respondent
No. 7

Mr. Pradip Kumar Ray, Sr. Advocate
Mr. Ankit Sureka
Mr. Biplab Das

..... for the respondent Nos. 2
and 6

1. The instant writ petition has been filed, inter alia, praying for a direction upon the respondents to quash the notice dated 3rd September, 2025 issued by the respondent No. 8 whereby the petitioner's nomination was deemed to have been cancelled. The petitioner claims that the petitioner is a member of the Haldia-I Agrani Sangha Mahila Swanirvar Gosti Prathamik Samabay Samity Limited within the meaning of West Bengal Cooperative Societies Act, 2006 (hereinafter referred to as the said Act). According to the petitioner, the petitioner is also a member of self-held group which maintained cash credit account within the Punjab National Bank. According to the petitioner though a

loan was sanctioned in favour of the aforesaid self-help group, the said self-help group has been regularly serving the loan and there has been no dues. Notwithstanding, the above for reasons best known to the respondent No. 10, a statement has been issued reflecting that there is a overdue interest in respect of the bank account maintained by the self-help group with the respondent No. 10. The petitioner would insist on establishing that there are no dues and as such the rejection of his candidature is unwarranted.

- 2.** This apart, the learned advocate for the petitioner would submit that on 18th August, 2025, the loan has been sanctioned and the nomination has been filed on 2nd September, 2025. Since the election is scheduled on 22nd September, 2025, he seeks immediate interference.
- 3.** Although, the respondent No. 9 and the respondent No. 10 are not represented in Court today, however, Mr. Nayak, learned advocate representing the respondent No. 7 would by placing before this Court the cash credit account verification report issued by the PNB, Ramnagar Branch dated 3rd September, 2025 submit that there is in fact, overdue interest in respect of the account of the self-help group of which the petitioner is a member. According to him, the Assistant Returning Officer by placing reliance on

the above document has rejected his candidature. He would submit that the Assistant Returning Officer has no independent mechanism to ascertain the outstanding interest or liability and has to rely on the statement issued by the concerned Bank. Accordingly, there is no irregularity in rejecting the petitioner's candidature. No interference is called for.

4. Having heard the learned advocates appearing for the respective parties, I find that admittedly, in this case, the petitioner is member of self-help group. It is also an admitted position that the loan has been sanctioned in favour of the self-help group. From the statement filed in Court and the disclosure made in the petition, it would transpire that there is overdue interest in respect of the account maintained by the self-help group with the respondent No. 10. Although, the learned advocate for the petitioner would like to contradict the above statement, I am of the view, at this stage, there is no scope to decide such disputed questions of fact especially when the manager of respondent No. 10 has returned a finding on the statement that there is overdue interest payable. As such there is no scope to entertain the writ petition under Article 226 of the Constitution of India or to interfere as the same deals with disputed questions of fact.

5. The writ petition is accordingly dismissed without any order as to costs.
6. The dismissal of the writ petition shall not interfere with the rights of the petitioner to challenge the findings returned by the manager of the respondent No. 10 in accordance with law before the appropriate forum, if so advised.

(Raja Basu Chowdhury, J.)