

06.05.2025
Item Nos.
ML 996
Sayandip

WPA 22616 of 2024

**Lakshman Biswas
versus
The State of West Bengal & Ors.**

Mr. Dhiman Kr. Sengupta
Ms. Farhin Mustaque

...For the petitioner

Mr. Srijan Nayak
Ms. Rituparna Maitra

...For the Election Commission

Mr. Ankit Surekha
Mr. Partha Sarathi Pal

...For the respondent nos. 2 & 3

Mr. Ovik Sengupta
Mr. Vijay Verma

...For the respondent no.6

1. The petitioner is aggrieved by the failure on the part of the Co-operative Election Commission to take steps for adjudication of the dispute as raised by the petitioner in its letter dated 13th August, 2024.

2. Mr. Sengupta, learned advocate representing the petitioner by drawing attention of this Court to the Election Schedule appearing at page-16 of the writ petition dated 5th September, 2024 would submit that the election of the delegates from the members of the respondent No. 6 was conducted on 4th August, 2024. He would submit that the petitioner had since made a representation to the Assistant Returning Officer on 29th July, 2024 to extend CCTV coverage to the election venue/polling station. According to him on 4th August, 2024 a group of outsiders aligned with the ruling party had assaulted the petitioner and other contesting candidates and their poling agents and did not allow them to enter the polling station. Although, a dispute in this regard was raised, no steps have been taken by the Co-operative Election Commission.

3. Mr. Nayek, learned advocate representing the respondent No. 4 would submit that he has no instructions as to whether the letter dated 13th August, 2024 was received by the respondent Nos. 4 and 5.

4. Having heard the learned advocates representing the respective parties and noting that the Election Commission is otherwise obliged to act in accordance with West Bengal Co-operative Election Commission Regulation, 2012 (hereinafter referred to as the “said Regulation”) and noting that in terms of the Regulation 35(1), a dispute relating to the election of delegates in a co-operative society can be referred to the Co-operative Election Commission within 30 days from the date of arising of such dispute and since *prima facie*, it would transpire that a letter dated 13th August, 2024 has been addressed to the Secretary, West Bengal Co-operative Election Commission though, the petitioner could not demonstrate service of such letter on the concerned respondents, I am of the view that no fruitful purpose will be served in keeping the writ petition pending.

5. Having regard thereto, I direct the respondent No. 4 to decide on the dispute raised by the petitioner in accordance with law upon ascertaining the validity of the dispute in accordance with law.

6. The petitioner shall be at liberty to produce additional documents including proof of service of the letter dated 13th August, 2024 before the respondent no.4 whereupon the respondent No. 4 shall decide on such dispute within a period of 12 weeks from the date of communication of this order by passing a reasoned order.

7. Since no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

8. With the aforesaid observations and directions, the writ petition is disposed of.

(*Raja Basu Chowdhury, J.*)