

29.10.2025.
Court No.13
Item No. 3
ap

M.A.T No. 1694 of 2025
With
I.A. No. CAN 1 of 2025

Md. Safiul Islam & Ors.
Versus
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Ms. Ipsita Ghosh.

...For the appellants.

Mr. Srijan Nayak,
Mrs. Rituparna Moitra.

...For the respondent no.4.

1. Affidavit-of-service filed in Court today be taken on record.
2. This intra court appeal is directed against the order dated 23rd September, 2025 passed by a learned Single Judge of this Court in W.P.A. 21950 of 2025.
3. The writ petition was filed by a Member of Biprasekhar Samabay Krishi Unnayan Samity Limited, alleging that certain deceased members have been included in the Draft Voters' List. He had prayed for stay of the election process before the learned Single Judge.
4. It appears from the records that a Draft Voters' List was duly published in the Society and objections were required to be filed by 28th August, 2025. It further appears from the records that an objection dated 8th September, 2025 is claimed to have been filed before the A.R.O of Co-operative Societies, West

Bengal. The document does not bear any official stamp or receipt of the A.R.O.

5. Be that as it may, since objections were raised after the date stipulated for raising the same, the A.R.O. was justified in proceeding with the Election on the basis of the Draft Voters' List published.

6. Mr. Nayak, learned Counsel appearing for the Co-operative Election Commission submits that the election process has been completed on 24th September, 2025 in terms of the Schedule published.

7. In that view of the matter, this Court finds no reason to interfere with the order impugned. The Single Judge was wholly justified in rejecting the writ petition.

8. The appellants/writ petitioners may raise disputes under the Rules of the Co-operative Election Commission, if they are so advised in accordance with law.

9. All the questions raised in the writ petition are kept open to be decided by the Co-operative Election Commission including the questions of fact as it may be empowered under the applicable Rules.

10. For the aforesaid purposes, the observations of the learned Single Judge or this Court shall not stand in the way of an independent decision by the Co-operative Election Commission.

11. With the aforesaid observations, M.A.T. 1694 of 2025 shall stand disposed of.

12. In view of disposal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand disposed of.

13. There will be no order as to costs.

14. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Apurba Sinha Ray, J.)