

26.08.2025
sayandeep
Sl. No. 03
Ct. No. 05

WPA 24306 of 2024

Dilip Kumar Mitra
Vs.
State of West Bengal & ors.

Mr. Partha Pratim Roy
Ms. Poulomi Chakraborty
.... for the petitioner

Mr. Srijan Nayak
Mrs. Rituparna Maitra
..... for the State

Mr. Ankit Sureka
Mr. Biplab Das
Mr. Partha Sarathi Pal
....for the respondent No. 2 & 5

Mr. Dyutiman Banerjee
Mr. D. Das
Mr. Indranil Dasgupta
..... for the respondent Nos. 3 & 4

1. Pursuant to the order dated 5th August, 2025, the respondent No. 3 is present in Court today.
2. Unfortunately, despite being present, he is unable to assist this Court and is not aware of the state of affairs prevailing.
3. Mr. Banerjee, learned advocate appears on behalf of the respondent Nos. 3 and 4. He would, however, submit on instructions that in principle, the respondent No. 3 has no objection to execute the conveyance in favour of the petitioner, however, it is by reasons of absence of the Board and without its no objection, the aforesaid conveyance could not be executed.
4. At this stage, Mr. Sureka, learned advocate representing the respondent No. 2 would, however, submit that considering the peculiar circumstances prevailing and since the tenure of the board has expired by efflux of time, though he is not in a position to identify the exact date of lapse of the tenure of the

Board, immediate steps would be taken by the respondent No. 2 to appoint a special officer to fill the gap of the Board till a new Board takes charge.

5. Having heard learned advocates appearing for the respective parties and considering the fact that the respondent No. 3 is in principle ready and willing to execute the conveyance, I am of the view that immediate steps should be taken by the respondent No. 2 to appoint a special officer. Once, such special officer is appointed, the application of the petitioner shall immediately be processed and the entire process of seeking no objection and execution of conveyance in favour of the petitioner must be completed within a period of four weeks from the date of communication of this order.
6. Further taking note of the submissions made in Court today by Mr. Sureka, I am of the view that the Co-operative Election Commission, West Bengal should be added as a party in the present petition. Accordingly, leave is granted to the petitioner's advocate on record to add Co-operative Election Commission, West Bengal having its office at 1, Kiransankar Roy Road, Kolkata 700 001 as an added respondent.
7. Mr. Roy, learned senior advocate who usually appears for the Co-operative Election Commission, West Bengal is present in Court today. Let a copy of the writ petition be made over to him. Department is directed to regularize his appointment.
8. Considering the peculiar facts noted hereinabove, I am of the view that appropriate steps should be taken by the added respondent to forthwith take steps for holding the election of the Board of Directors of the said society in accordance with law. The said process of electing a new Board should be completed within a period of three months from the date of

communication of this order. The aforesaid process shall, however, not stand in the way of the respondent No. 2 from appointing a special officer, who shall continue to manage the affairs of the Co-operative society during the interregnum period.

9. The personal appearance of the respondent No. 3 is dispensed with.
10. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)