

WPA 27869 of 2025

Smt. Shampa Roy Chowdhury & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sudip Deb, Sr. Adv.
Mr. Sumitava Chakraborty
Ms. Bratati Pramanick
..... for the petitioners

Mr. Ayan Banerjee
Ms. S. Deb
..... for the State

Mr. Ankit Sureka
Mr. Biplob Das
Mr. Partha Sarthi Pal
..... for the respondents no. 3,4 & 5

Mr. Srijan Nayak
Ms. Rituparna Maitra
..... for the Co-operative Election
Commission

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. The petitioners' grievance is principally on three broad grounds :
3. First, that the petitioners' names have not been included in the final voters' list published on October 17, 2025.
4. Second, the petitioners allege that certain voters included in the final voters' list have already passed away, in support whereof death

certificates of some of these “ghost” voters have been presented with the petition.

5. Third, the total number of members of the Co-operative Society, Howrah, is approximately 650, though the final list of voters is a mere 268 candidates. There is no explanation as to why the remaining voters have not included their names to the final voters’ list published on October 17, 2025.
6. Mr. Deb, learned senior Advocate, appearing for the petitioners, submits that a representation was made to the respondent no. 5 on August 9, 2025, which is still pending.
7. Mr. Nayak, learned Advocate appearing for the Election Commission, submits that the process of preparing the final voters’ list of the respondent Society has been in progress since last six months. In fact, the objections tendered by various members of the Society has been heard out in great details and on several dates, giving due opportunity to all concerned.
8. He further submits that the representation of the petitioners is of August 9, 2025, and there has been no representation to the effect that the petitioners’ names do not appear in the final voters’ list published on October 17, 2025.

9. Having heard the learned Advocates for the parties, it appears that the petitioners' representation on August 9, 2025, was restricted to the inclusion of the dead persons in the final voters' list. There is no assertion by the petitioners that their names had not been included in the final voters' list published on October 17, 2025, in spite of the petitioners, being valid members.
10. This assertion has been made for the first time in the present writ petition filed on December 4, 2025.
11. Mr. Deb's further submission is that a special officer ought to be appointed in terms of the prayer "k" of the writ petition, is unsupported either on facts or on law. The petitioners have not challenged the final voters' list, prepared and published on October 17, 2025, for a period in excess of one and half months from the date of the publication. There is no other assertion that the Election Commission is not holding or will not be able to hold the election process in a free and fair manner. A mere allegation in the petition, which is unsubstantiated, cannot be a ground for appointment of the special officers to conduct the election. Such appointment, will mean that the duties, cast upon the Election

Commission under the West Bengal Co-operative Societies Act, 2006 (hereinafter referred to as the “said Act”), will be denuded by appointment of a special officer or joint special officers to carry out the same in the place and stead of the Election Commission. There is no such substantiation in the petition or any overt apprehension in the petition in whatsoever manner, at all.

12.The petitioners claim that the special officer ought to be appointed, because they feel that the Election Commission will not be able to hold the election in a free and fair manner, cannot be a ground to denude the Election Commission from discharging their statutory duties as embodied in the said Act, 2006.

13.The petitioners can, at best, be given an opportunity to present their case that they are the valid members and their names ought to have been included in the final voters’ list of October 17, 2025.

14.I direct the petitioners to make a fresh representation along with that made on August, 9, 2025, and will present their credentials and testimonials to establish valid and subsisting membership of the Co-operative Society before the concerned authority. In the event the names of the petitioners are incorporated in the list of

valid voters, the concerned Registrar will publish a corrigendum to the final voters' list which shall not, in any event, disturb the election schedule as proposed in the notice of November 26, 2025. The representations will be made before the respondent no. 5, by Monday i.e. December 8, 2025, which shall be considered by the respondent no. 5 and be disposed of by December 9, 2025, to enable the petitioners to take necessary steps, depending on the outcome of such consideration of the representations by the concerned authority, being the respondent no. 5 herein.

15. With the aforestated directions, the writ petition is disposed of.

16. There shall, however, be no order as to costs.

17. Since no affidavit has been called for, the allegations contained in the writ petition are deemed to be denied.

18. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)