

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

M.A.T. 2148 of 2024

With

CAN 1 of 2024

Bani Chakraborty & Ors.

vs.

The State of West Bengal & Ors.

For the Appellants

**: Mr. Samim Ahammed
Mr. Arka Maiti
Mr. Aniruddha Singh
Ms. Gulsanwara Parvin
Mr. S. Bhattacharya**

For the State

**: Mr. Sirsanya Bandopahdyay
Mr. Ritesh Ganguly**

**For Cooperative
Election Commission**

**: Mr. Srijan nayak
Ms. Rituparna Maitra**

For Respondent No. 2

**: Mr. Ankit Sureka
Mr. Biplab Das**

For Respondent No. 7

**Mr. Partha Sarathi Pal
: Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar**

Heard and Judgment on

: January 13, 2025

DEBANGSU BASAK, J.:-

1. Appeal is directed against an order dated November 18, 2024 passed in

W.P.A. 27406 of 2024.

2. Appeal is at the behest of the writ petitioners.

3. By the impugned order, learned Single Judge dismissed the writ petition. Learned Single Judge clarified that the dismissal of the writ petition shall not prevent the writ petitioner to raise any election dispute in accordance with law.
4. Appeal was filed after obtaining leave to file the same without the certified copy.
5. Certified copy of the impugned order was obtained by the appellants.
6. Appellants will file the certified copy of the impugned order in the department in course of the day.
7. Appellants were aggrieved by the authorities not allowing the appellants to file their nominations in respect of their election to a Cooperative Society.
8. During the pendency of the writ petition and at least as on date, the election to the respective posts of the concerned society is complete.
9. There exists a regulation which permits election disputes to be raised before the appropriate authority.
10. It is the contention of the appellants that the parent Act does not allow any election dispute to be raised.
11. Such issue does not fall for consideration in the appeal as the same was not raised in the writ petition. Such issue is not within the scope and ambit of the writ petition.
12. In such circumstances, we are not entering the arena of the same.

13. As noted above, learned Single Judge allowed the writ petitioner to raise the election disputes in accordance with law.

14. In the event, the appellants choose to do so, the authority deciding the election disputes, will not be influenced by any observations that were made by the learned Single Judge or by us in this order.

15. **M.A.T. 2148 of 2024** along with the connected application, if any, are **disposed of**.

(Debangsu Basak, J.)

16. I agree.

(Md. Shabbar Rashidi, J.)

S.D.