

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/961/2024
DR. SWAPAN KUMAR BOSE AND ANR.
VS
STATE OF WEST BENGAL AND ORS.

BEFORE:
HON'BLE JUSTICE REETOBROTO KUMAR MITRA
DATE: 19th December, 2025.

Appearance:

*Mr. Yashraj Roy, Adv,
Mr. P. Shom, Adv. ...for petitioner.*

*Mr. Ankit Sureka, Adv.
Mr. Biplob Das, Adv.
Mr. Partha Sarathi Pal, Adv. ...for respondent nos.2 & 3.*

*Mr. Debasish Banerjee, Adv.
Mr. Subrata Saha, Adv.
Mr. Rakesh Jana, Adv. ...for respondent no.5.*

*Mr. Srijon Nayak, Adv.
Ms. Rituparna Moitra, Adv. ...for respondent no.4.*

*Ms. Sonal Sinha, Adv.
Mr. A. Chatterjee, Adv. ...for State.*

The Court : Affidavits filed by the parties are kept on record.

The petitioner is aggrieved with the Chairperson of the Society, who is a member and also part of the Board of Directors, duly elected, is ineligible to continue as a member, as he holds more than one flat in the said society, either in his own name or jointly with a family member in addition to a family member holding a second flat in the same society.

It is an admitted position that representations of the petitioner dated August 28, 2024 and September 4, 2024 have been ignored by the Joint Registrar, Cooperative Society and the Election Commissioner, respectively.

Mr. Nayak appearing for the Election Commissioner submits that the election of the said Society has since been held on September 29, 2024.

Mr. Sureka appearing for the Registrar submits that the representation of August 28, 2024 could not have been disposed of or responded to as the allegations levelled by the petitioner require consideration on evidence being led, which was not possible for the Joint Registrar, Cooperative Society.

In any event, since the Joint Registrar has not disposed of the representation nor has the Election Commissioner responded to the representation made by the petitioner, all such points are open for adjudication.

The disputes between the petitioner and the Chairperson are in the realm of private disputes, for which the West Bengal Co-operative Societies Act, 2006 provides a remedy.

The petitioner is at liberty to file a dispute case under section 102 of the West Bengal Co-operative Societies Act, 2006 in consonance with the rules framed thereunder.

The concerned Registrar upon receipt of such dispute case from the petitioner will respond immediately and either by himself or through an arbitrator duly appointed by him conduct and conclude the proceeding as expeditiously as possible, within a period of four months from the date of making of the application by the petitioner.

With these afore-stated directions, the writ petition is disposed of. There shall be no order as to costs.

(REETOBROTO KUMAR MITRA, J)