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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/854/2025
SEBABRATA MUKHERJEE AND ORS.
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE :

THE HON'BLE JUSTICE REETOBROTO KUMAR MITRA

Date : 9th December, 2025

Appearance :

Mr.Bikas Ranjan Bhattacharyya, Sr. Adv.
Mr. Dibyendu Chatterjee, Adv.
Ms. Satabdi Das, Adv.
Mr.Mainak Singha Barman, Adv.
Mrs. Sunanda Chatterjee, Adv.
...for petitioner.

Mr. Srijan Nayak, Adv.
Mrs. Rituparna Maitra, Adv.
...for respondent no.4.

Mr. Ankit Sureka, Adv.
Mr. Biplab Das, Adv.
...for respondent no.3.

Ms. Sonal Sinha, Adv.
Ms. Debdooti Dutta, Adv.
...for State.

The Court: The petitioners have instituted the present writ petition challenging the venue and date on which the election for High Court Co-operative Society Limited is to be held.

The petitioners are members of the society, which constitutes of the employees of the Calcutta High Court. Interestingly, the society has not been made a party to the present proceedings.

Mr. Bhattacharyya appearing for the petitioners submits that the petitioners are aggrieved that the Deputy Registrar of Co-operative Societies being the Returning Officer (hereinafter referred to as 'RO') of this election has fixed a place of election, at a considerable distance (about three kilometers) from the precinct of the office of the co-operative society. It is also his case that for several years, the election of this society has been held within the precinct of the High Court at Calcutta and there is no cogent reason to shift the venue to a place which is away from such office. He further submits that the date of the election i.e. December 14, 2025 is a Sunday. It is a holiday and, hence, not conducive for the petitioners to cast their votes in the said election. In fact, on earlier occasions, the elections were usually held on a working Saturday.

Mr. Nayak appearing for the respondent no.4 and for the Deputy Registrar of Co-operative Societies being (RO) of the said election has filed a report dated December 4, 2025 and the same be kept with the records.

Mr. Nayak submits that the venue and date have been changed in view of the untoward incidents which have occurred in such elections and especially cited the incident in the Court of the learned District Judge, Howrah. This incident erupted in rather violent and acrimonious confrontations between warring groups. In fact, the police authorities are presently still under the scanner in the afore-stated case.

I have heard learned counsel for the parties and perused the records.

It is not in dispute that the fixation of the date and venue of an election and especially that of a co-cooperative society is the exclusive domain of the RO. The RO is at liberty to exercise his discretion, which ought to be well informed and judicious to fix such venue and time to hold elections of a co-cooperative society.

In his informed wisdom, the RO has held that a venue within the court precinct, would not be appropriate if there is any untoward incident. He has, however, in his report indicated that the appropriate authority had been requested on 31st October, 2025 for requisitioning the canteen hall of the New Secretariat Building as the venue for holding the elections of the afore-stated co-cooperative society. He has also stated in his report that the appropriate authority (Executive Engineer, PWD) had not responded till 18th November, 2025. As the election was fixed on 14th December, 2025, the RO thought it fit and proper not to wait any further and fixed the present venue at Colootola Street, which is barely three kilometers away from the venue which has been initially thought of, at the canteen hall of the New Secretariat Building.

It is not in dispute that the fixation of venue is the prerogative of the RO and, hence, cannot be challenged on the mere ground that it is situated at a place far away from the earlier venue. In the present case there is no ground taken by the petitioners that fixation of the venue has been done unreasonably or with any mala fides. The informed discretion of the RO has been challenged, which is unacceptable.

The second issue which has been challenged, that the date for the election has been fixed on Sunday, is not supported by any cogent reason nor has any ground been

offered by the petitioners as to why they would not be able to cast their vote on a Sunday, except for the fact that it is a holiday.

The petitioners are desirous that the election to be scheduled at a venue within the precinct of the High Court or at a venue close to the High Court, as the same may be more accessible to them. This belies the actions of the RO as the accessibility of the present venue at Colootola Street has not been assailed. The best case made out by the petitioners as indicated during his submissions is at ground III that the petitioners will be faced with 'extreme difficulty' to cast their votes at a place 'far away' from the High Court premises. The present venue is barely three kilometers away from the High Court and the issue of 'far away' is unsubstantiated by any other grounds.

The Hon'ble Supreme Court of India in various decisions has specifically held that the courts should be circumspect to exercise jurisdiction in a matter where the election process is already under way. In the instant matter it is not in dispute that the nominations/scrutiny and publication of valid nominations have all been performed, including withdrawal of candidates, publication of final list of valid candidates after withdrawal and the only aspect which remains is casting of the votes for the delegates and the counting of such votes and publication thereof which are scheduled to be held on December 14, 2025.

In these circumstances afore-stated, since the petitioners have been unable to substantiate their apprehensions regarding the venue and date, except that the venue is at a distance from the High Court and the elections are to be held on a Sunday, which is

a holiday, there is no reason to interfere in the process adopted by the Election Commission.

The Commissioner of Police, Kolkata, is directed to provide adequate security to ensure that no untoward incident takes place not only at the venue of the election but in the proximity thereof and also to ensure that all voters are given smooth access to the election venue without any untoward incident in respect thereof.

With these afore-stated directions, the writ petition is disposed of.

There shall be no order as to costs.

(REETOBROTO KUMAR MITRA, J.)

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