IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Ct.19 **19.11.26**
Item No.13 Sws.M

WPA 15620 of 2026

Prabha Mandal Biswas & Ors.
VS.
The State of West Bengal & Ors.

Ms. Faria Hossain
Mr. Liton Moitra
Ms. Suparna Chatterjee
.....for the petitioners

Dr. Siddhartha Goswami
Mr. Vaibhav Prakash
.....for the respondent/State

1. On behalf of the writ petitioners, one supplementary affidavit dated 20.08.2026 is filed, which is taken on record. On behalf of the respondent/State one report of the respondent No.8 and another Statement of Facts of the respondent No. 4 are filed, which are taken on record.

2. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate Writ/Writs against the respondent /authorities, commanding them to consider the representation dated 10.06.2026 as submitted by the writ petitioners together with a further prayer to issue appropriate writ/writs against the respondent/authorities to act in accordance with law in terms of the prayer made by the writ petitioners under cover of their representation dated 10.06.2026.

3. At the time of hearing, Ms. Faria Hossain, learned advocate appearing on behalf of the writ petitioners duly assisted by Ms. Chatterjee, learned advocate submits before this Court that it is the specific case of the writ petitioners that they are the elected board members of Balgharia -1, Bahumukhi Sangha Primary Cooperative Society Limited, Santipur, Nadia (the 'said Cooperative society' in short). It is further argued that after publication of the result of the West Bengal Legislative Assembly Election, 2026, some local miscreants have threatened the present writ petitioners with dire consequences and subsequently on 09.06.2026, the writ petitioners were assaulted and they were forced to sign on a blank paper, which according to the said miscreants would be used as resignation of the present petitioners from the post of the Directors of the Board of the said Cooperative society. It is submitted by Ms. Hossain that soon thereafter, the present writ petitioners approached the respondent/authorities, however no action has been taken against the said miscreants and on the contrary, the present writ petitioners are not permitted to discharge their duties as the members of the Board of the said Co-operative society.

4. It is thus submitted by Ms. Hossain that appropriate relief/reliefs may be granted to the writ petitioners commanding the respondent/authorities to ensure

that the present writ petitioners can discharge their duty as Board of Directors of the said Cooperative society.

5. Dr. Goswami, learned advocate appearing on behalf of the respondent/State while refuting the contention of Ms. Hossain draws attention of this Court to the report as submitted by the respondent No. 8, who is the Officer-in-Charge of the Santipur Police Station, District – Nadia. It is submitted that on perusal of the report as submitted by the respondent No. 8 it would reveal that appropriate legal action was taken by the said jurisdictional Officer-in-Charge against the alleged miscreants and therefore granting of no protection to the writ petitioners is a myth.

6. In his next fold of submission, Dr. Goswami submitted before this Court that from the Statement of Facts, as filed by the respondent No. 4/authority it would reveal that in course of an audit inspection, the respondent No. 4/authority was present, when the present writ petitioners alleged that they were compelled to sign their resignation, however the other members of the said Board of the said Cooperative society has stated him that the present writ petitioners submitted their resignation willingly. Dr. Goswami, however, submits that the jurisdictional BDO, that is the respondent No. 4/authority as of now could not come to a finding as

to whether the resignation of the present writ petitioners from the Board of the said Cooperative society is voluntary or not.

7. Per contra, Ms. Hossain draws attention of this Court to page No. 6 of the supplementary affidavit, as filed today by the writ petitioners, being a copy of the Memo dated 10.07.2026, as issued by the Assistant Registrar of the Cooperative Society, Cooperation Directorate, District – Nadia. It is submitted that from the said paper also no document is forthcoming that the resignation of the present writ petitioners was accepted.

8. On careful consideration of the entire materials as placed before this Court and after hearing learned advocates for the contending parties, it appears to this Court that no cogent material is forthcoming before this Court at least on this day that the alleged resignation of the present writ petitioners were accepted by any of the authorities. In view of such, there cannot be any predicament in the eye of law to allow the writ petitioners to discharge their duties as the members of the Board of the Balgharia -1, Bahumukhi Sangha Primary Cooperative Society Limited.

9. In view of such, this Court while disposing the instant writ petition, directs the respondent/authorities, more specifically the

respondent Nos. 2, 4 and 8 to ensure that no predicament is caused to the present writ petitioners in discharge of the duties as Board of Directors of the aforementioned Cooperative society until a concise decision is taken by the appropriate authority regarding their alleged resignation. It is further directed that the aforementioned respondent/authorities are further directed to ensure that the function of the Balgharia -1, Bahumukhi Sangha Primary Cooperative Society Limited must not be hampered and/or disturbed by any hooligans and in the event any such attempt is made, the respondent Nos. 2,4 and 8/authorities would be obliged to ensure the smooth functioning of the said Cooperative society by its Board members including the writ petitioners and in case of necessity, the writ petitioners may be granted adequate police assistance, if sought for.

10. Before parting with, it is however made clear that in the event the respondents/authorities proposes to take a decision with regard to the alleged resignation as submitted by the present writ petitioners, due opportunity of hearing be given to the writ petitioners and/or their authorized representatives, in this regard.

11. Before parting with, it is however made clear that while disposing the instant writ petition, this Court

has made no observation with regard to the genuineness of the alleged resignation as submitted by the present petitioners and the authorities concerned while taking decision with regard to such alleged resignation, shall not be prejudiced by any of the observation made herein.

12. With the aforementioned observations the instant writ petition is disposed of.

13. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen , J.)