

(2025) 09 CAL CK 0722
In the Calcutta High Court, Appellate Side
Case No : WPA 20247 of 2025

Mamoni Bagari & anr

APPELLANT

Vs

State of West Bengal and Ors

RESPONDENT

Date of Decision : 09-09-2025

Acts Referred:

West Bengal Cooperative Societies Rules, 2011 — Rule 40(6)

Citation : (2025) 09 CAL CK 0722

Hon'ble Judges : Raja Basu Chowdhury, J

Bench : Single Bench

Advocate : Rudranil De, Ziaul Haque, Nilotpal Chatterjee, Saptak Sanyal, Srijan Nayak, Rituparna Maitra

Final Decision : Disposed Of

Judgement

Raja Basu Chowdhury, J

1. The affidavit-of-service filed in Court today be taken on record. Despite service, apart from Mr. Nayak, other respondents are not represented in Court today. Considering the peculiar facts and the urgency involved, the matter is taken up for consideration out of turn.
2. Leave is granted to the petitioner to correct the prayer portion of the writ petition by substituting the words "respondent No. 6 to 11" with "respondent Nos. 6 to 13" in the respective places they appear.
3. The instant writ petition has been filed, inter alia, praying for a direction to delete the names of the respondent Nos. 6 to 13 from the final voters list dated 13th August, 2025 and not to allow the respondent Nos. 6 to 13 to caste their votes in the upcoming election of the Swami Vivekananda Narikalyan Sangha Prathamik Bahumukhi Sambay Samity limited (hereinafter referred to as the said cooperative society) which is scheduled on 16th September, 2025.
4. Having heard the learned advocates appearing for the respective parties, I

find that the final electoral list in terms of the Rule 40(6) of the West Bengal Co-operative Societies Rules, 2011 read with Clause 3(7) of the West Bengal Cooperative Election Commission Regulations, 2012 (hereinafter referred to as the "said Regulation") has already been published on 13th August, 2025. According to the petitioners, the names of several ineligible candidates have been incorporated despite objection. Though several complaints have been lodged, no steps have been taken by the Assistant Registrar of Cooperative Societies and a final voters list has been published by ignoring the objections.

5. Mr. Dey, learned advocate by drawing attention of this Court to the complaint dated 14th August, 2025 addressed to the Returning Officer would submit that despite the petitioners identifying the candidates whose membership has already been cancelled, no steps have been taken by the Assistant Returning Officer. As such he would submit that unless, appropriate orders are passed directing the the election commissioner to rectify the anomaly, the election process would stand vitiated.

6. Having heard the learned advocates appearing for the respective parties and noting that the election process has already been initiated, I am of the view it shall be prudent at this stage only to permit the petitioner to make a further representation before the Cooperative Election Commission, West Bengal without interfering with the date for holding the election. In the event, such representation is made, identifying the names of the candidates with the corresponding entry in the final voters list, whose membership has already been cancelled within 11th September, 2025 (4.00 p.m.), the Co-operative Election Commission shall hear out and dispose of such dispute in accordance with law upon giving opportunity of hearing to the interested parties on 15th September, 2025. It is made clear that in the event, the Cooperative Election Commission is of the view that any of the names included in the final voters list needs to be deleted, appropriate corrigendum may be issued in this regard.

7. Before proceeding with the hearing on 15th September, 2025, a copy of this order must be displayed in the Notice Board of the Cooperative Societies not later than 12th September, 2025, by the concerned ARCS.

8. With the above observations and directions, the writ petition is disposed of.