



18
15.09.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 22410 of 2023

**Ramanand Yadav & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Subhankar Nag,
Mr. Avishek Guha,
Ms. Debarati Das.
...For the Petitioners.**

**Mr. Ankit Surekha,
Mr. Biplab Das.
...For the Respondent No.4.**

**Mr. Srijan Nayak,
Ms. Rituparna Maitra.
...For the Respondent No.3.**

**Mr. Samim Ahammed,
Ms. Saloni Bhattacharjee,
Ms. Gulsanwara Pervin.
...For the Respondent No.5.**

**Mr. Deepnath Roy Chowdhury,
Mr. Vijay Verma.
...For the Respondent No. 6.**

The instant writ petition revolves around the election of the Kolkata Port Trust Employees Cooperative Society Limited which took place on 12th September, 2023. The result of the election was declared on the same date.

The petitioners are the members of National Union of Waterfront Workmen (I) Shyamaprasad Mukherjee Port, Kolkata. They allege that the election



was not conducted in accordance with the prescribed rules and regulations.

The time schedule for conducting the election was reduced to only two hours and thirty minutes. The election agent and the counting agent of the candidates were not allowed either during the time of the poll or at the time of counting.

It has been pointed out that the CCTV Cameras were directed to be wrapped up.

Prayer has been made to cancel the election and to conduct re-election.

Learned advocate appearing for the Assistant Returning Officer, Co-operation Directorate who was in-Charge of conducting the election submits that, the instant writ petition will not be maintainable and the petitioners may approach the appropriate forum with an election petition for adjudication of the disputes raised in the instant writ petition.

It has been submitted that the result of the election has already been declared and at this stage, there is hardly any cause of action for filing the instant writ petition.

Learned advocate appearing for the respondent no.4 Society submits, upon instructions, that an Officer of the Co-operation Department is in-Charge of maintaining the day to day affairs of the Society and is the Special Officer engaged by the Department according to Section 36 of the West Bengal Co-operative Societies Act, 2006.



Learned advocate appearing for a few of the winning candidates submits that a copy of the writ petition is yet to be served and an opportunity has been sought for taking necessary instruction in the matter.

It has been submitted that election was conducted of around 1215 members and only 4 of them have objected by filing the instant writ petition.

It has been submitted that the schedule of election along with the duration of election was published way back on 7th August, 2023. The petitioners never raised any issue with the same. Only after declaration of the result of the election, the present writ petition has been filed. Prayer has been made for dismissal of the writ petition.

Upon hearing the submissions made on behalf of the parties and upon perusal of the materials on record, it appears that the petitioners have tried to portray before this Court that the election was not held in a free and fair manner.

It has been submitted that there are illegalities galore which are required to be brought to the notice of the Court. In the event the Board is constituted then the entire writ petition may become infructuous.

To ascertain the allegation of the petitioners, a report is required to be called for from the respondent nos. 3 and 4.

Let a report by way of affidavit by the respondent nos. 3 and 4 be prepared and circulated amongst the parties by 29th September, 2023. Exception, if any, may be filed by 6th October, 2023.



Let the matter appear in the list on 12th October, 2023.

The respondent no. 4 is directed to remain in-Charge of the Society till 30th November, 2023 or until further order whichever is earlier.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)