

14.09.2020
srm

W.P.A. No. 6680 of 2020

(Via Video Conference)

Rina Mondal Saha & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Chitta Ranjan Chakraborty,
Mr. Barnamoy Baska

...for the Petitioner.

Mr. Rajendra Banerjee

...for the Respondent No.6.

Mr. Anjan Bhattacharya,
Ms. Anita Shaw

...for the Respondent Nos.7-15.

Mr. Sirsanya Bandyopadhyay,
Mrs. Sudeshna Das Majumder

...for the State.

As the matter was mentioned in the morning in view of the fact that the interim order passed earlier was to expire on September 16, 2020, the matter is taken up out of turn with the consent of the parties and in their presence.

This writ petition has been filed challenging the impugned Memoranda dated August 17, 2020 convening a meeting on September 2, 2020 and September 3, 2020 issued by the prescribed authority and Block Development Officer, Kaliachak-I Block, being Annexure P/2 to the writ petition. The notice was with regard to the proposal for removal of the petitioners, who are members of the aforesaid Upa-Samity, Kaliachak-I Gram Panchayat. The petitioners have also challenged the

requisition notices dated August 10, 2020 and August 12, 2020.

The contention of the petitioners is that the notices dated August 10, 2020 and August 12, 2020 were issued in violation of the West Bengal Panchayat (Constitution) Rules, 1975 especially Rule 22(4)(b) thereof. It was also urged on behalf of the petitioners that the party affiliation was not mentioned in the notice dated August 17, 2020.

Mr. Bandyopadhyay, learned Junior Standing Counsel, State of West Bengal, submits that although the requisition notices dated August 10, 2020 and August 12, 2020 were not served upon the petitioners, yet the prescribed authority by mistake and ignoring such lapse issued the notice dated August 17, 2020. Mr. Bandyopadhyay submits, on instruction, that there was an irregularity in the procedure.

In view of the submissions made by Mr. Bandyopadhyay, nothing remains further to be decided in the writ petition and the notice dated August 17, 2020 being Annexure P/2 to the writ petition deserves to be set aside and quashed.

Mr. Anjan Bhattacharya, learned Advocate appears on behalf of the requisitionists/respondent Nos.7 to 15, who had issued the requisition notices dated August 10, 2020 and August 12, 2020. Mr.

Bhattacharya also submits that those notices also suffer from irregularity.

Under such circumstances, notices dated August 10, 2020 and August 12, 2020 as also August 17, 2020 are set aside and quashed.

The respondents are at liberty to act and proceed afresh, but in accordance with law.

This writ petition is disposed of.

There will be however no order as to costs.

Urgent certified website copies of this order, if applied for, be delivered to the parties, upon compliance of all necessary formalities.

(Shampa Sarkar, J.)