

13.04.2021
SL No. 47
Court No.24
(P.M.)

WPA 8356 of 2021

**Subham Sarkar & Ors.
Vs.
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Gangadhar Das,
Mr. Swarvanu Saha
Mr. Suman Pathak
... for the petitioners

Mr. Dipayan Chowdhury,
Mr. Suvradal Choudhury,
Ms. Priyanka Choudhury,
Mr. R. Chakraborty
... for Election Commission of India

Mr. Sirsanya Bandopadhyay
Mr. Arka Nag
.. for the State

Petitioners are aggrieved by the action of the Prescribed Authority in fixing up the date of the meeting way beyond the statutory period.

According to the petitioners a notice for removal of the Sabhapati was served upon the Prescribed Authority on 9th March, 2021. The date for fixing the meeting ought to have been within a period of fifteen days. The Prescribed Authority fixed the date for convening meeting on 6th May, 2021. The reason for fixing the meeting at such a delayed date is because of the General Election being conducted in the State of West Bengal.

The learned advocate for the petitioners submit that the election in the locale will be over on 26th April, 2021 and

he prays for direction for conducting the meeting prior to 6th May, 2021.

The learned advocate appearing on behalf of the State respondent submits that in view of the Election the personnel concerned for convening the meeting may not be available.

It has also been submitted that there may be law and order issue and the police personnel may also not be available for necessary assistance.

The learned advocate representing the Election Commission of India, however, submits that there is no bar in holding the statutory meeting.

From the submissions of the parties and upon perusal of the records it appears that the date has already been fixed on 6th May, 2021 by the Prescribed Authority. Preponing the meeting would require fresh notice to be served upon all the parties. The same may not be possible within such a short span of time.

In view of the above, let the meeting which has been fixed on 6th May, 2021 be convened, strictly in accordance with law.

The Prescribed Authority shall take necessary steps to ensure that there is no law and order issue at the time of holding the meeting.

WPA 8356 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)