

06.
04.06.2021.
Ct. No. 11.
F.B.

**MAT 558 of 2021
with
IA No. CAN 1 of 2021**

(Via Video Conference)

**Naila Bibi & Ors.
-Vs.-
Mosa Nilufar Iyasmin (Prodhan) & Ors.**

**Mr. Saptanshu Basu
..... For the Appellants.**

**Mr. Chittaranjan Chakraborty,
Mr. Dipjyoti Chakraborty
..... For the Private Respondents.**

**Mr. Jaharlal De
..... For the State.**

Under challenge in this appeal is the order dated 7th of May, 2021 in two analogous writ petitions being WPA 8817 of 2021 and WPA 8822 of 2021.

At issue before the Hon'ble Single Bench was a prayer made by the writ petitioners to cancel the notice dated 19th of March, 2021 issued by the Prescribed Authority (PA)/Block Development Officer (BDO), Malda for removal of the Prodhan. Needless to elaborate the notice and all actions connected therewith carry deep statutory flavour flowing from the provisions of the West Bengal Panchayat Act, 1973 read with its relevant rules.

Mr. Basu, Learned Senior Counsel appearing for the appellants/the writ petitioners, draws the attention of this Court to the concluding paragraph of the order impugned of the Hon'ble Single Bench dated 7th of May, 2021. The concluding paragraph reads as follows:-

“Since learned counsel appearing for the petitioners submits that the petitioners will be statutorily barred from calling a meeting within the next one year liberty is given to the petitioners to take appropriate steps in accordance with law”.

Mr. Basu submits that the concluding paragraph (*supra*) requires to be clarified to the extent the appellants/writ petitioners are not at any disadvantage in calling for a meeting which is permitted by law.

The private respondents appear through Mr. Chakraborty, Learned Counsel and Mr. De, Learned Senior Government Advocate, represents the State Respondents.

After hearing the parties and considering the Order of the Hon'ble Single Bench, including the concluding paragraph under reference (*supra*), this Court is of the view that the Hon'ble Single Bench has neither opined on, nor directed that any action can be contemplated to be taken which is not statutorily

permissible. The Hon'ble Single Bench did therefore intend that steps connected to holding of the meeting in issue in the writ petition cannot be taken *de hors* the prescribed legal route.

Accordingly, the Order impugned dated the 7th of May, 2021 deserves no interference.

In view of the discussion and the direction above, the appeal and the connected application are not detained.

MAT 558 of 2021 with **IA No. CAN 1 of 2021** stand thus **disposed of**.

Since affidavits are not invited, all allegations are deemed to be denied.

All parties to act in terms of the copy of the order downloaded from the official website of this Court.

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

(Kausik Chanda, J.)

(Subrata Talukdar, J.)