

30.06.2021
(S/L-22)
Ct.-24
(S.K. & S.M)

(Via Video Conference)

W.P.A. 10768 of 2021

Asit Kumar Giri

-Vs-

The State of West Bengal & Ors.

Mr. Soumen Dutta,
Mr. Sabyasachi Bhattacharjee,
Mr. Subhadeep Chatterjee
..... For the Petitioner.

Mr. Ansar Mondal, AGP,
Mr. Sougata Mitra
... For the State respondent.

The petitioner is aggrieved by the notice of meeting of motion for removal of the Prodhan which was issued by the Prescribed Authority and the Block Development Officer on 10th June, 2021. The date of the meeting was fixed on 21st June, 2021 at 11.30 a.m.

The primary grievance of the petitioner is that the party affiliation of the requisitionists was not mentioned in the notice of motion which was submitted before the Prescribed Authority. The same being a mandatory provision of law the resolution adopted in the meeting ought to fail as the party affiliation was not mentioned.

The writ petitioner relies upon an order dated 19th June, 2021 issued by the Prescribed Authority wherein the meeting dated 21st June

2021 stood adjourned relying upon a police report given by the Officer-in-Charge of the Junput Coastal Police Station. In the report it was mentioned that at present pandemic situation is running and there is non-availability of force and officers. It was further mentioned that there may be breach of peace in the said area.

The petitioner relies upon a further order dated 20th June, 2021 issued by the Prescribed Authority wherein it was mentioned that police forces were available at present and the condition was favourable for holding the aforesaid meeting and accordingly the time, date and venue of the meeting which was due to be held on 21st June, 2021 shall remain unaltered.

According to the petitioner the position could not change within a day and in view of the non-availability of the police force and prevalence of the pandemic situation the meeting ought not to have been fixed within a date.

The petitioner submits that on 21st June, 2021 a representation was forwarded via e-mail through his learned advocate to the Prescribed Authority and the Block Development Officer with request not to hold the meeting, as his client sought to challenge the illegalities of the

Prescribed Authority before the Hon'ble High Court.

The learned advocate for the petitioner however submits that the Prescribed Authority proceeded with the meeting and the same stood concluded on 21st June, 2021 as per schedule. The petitioner prays for setting aside the resolution adopted in the meeting dated 21st June, 2021.

The learned advocate representing the Prescribed Authority and the Block Development Officer submits that the meeting is already over and resolution has already been adopted for removal of the Prodhan.

It has further been submitted that the writ petition was filed after the meeting was convened on 21st June, 2021.

Upon hearing the submissions made on behalf of the parties it appears that the notice of meeting of motion for removal of the Prodhan was served upon the petitioner way back on 10th June, 2021. Had the petitioner been really aggrieved by the said notice, he ought to have approached the Court immediately thereafter. The petitioner ought not to have waited till the meeting stood deferred and then again re-scheduled. The writ petition was ultimately filed by the petitioner on 23rd June, 2021 long after

the meeting was concluded. The re-scheduling of the meeting was done by the Prescribed Authority on the basis of the report filed by the police. After the police confirmed that the condition for holding the meeting was favourable the Prescribed Authority proceeded to hold and conclude the meeting on the scheduled date.

As regards the non-disclosure of the affiliation of the requisitionists, the petitioner ought to have approached this Court at the very first opportunity without any delay. The writ petition filed after the meeting stood concluded ought not to be entertained.

In view of the above no relief can be granted to the petitioner in the instant case.

The writ petition stands dismissed.

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

(Amrita Sinha, J.)