

01.07.2021
(S/L-18)
Ct.-24
(S.K. & S.M)

(Via Video Conference)

W.P.A. 10779 of 2021

Rasida Bibi
-Vs-
The State of West Bengal & Ors.

Mr. Atarup Banerjee.
Md. Golam Nure Imrohi
..... For the Petitioner.

Mr. T. M. Siddiqui,
Mr. Nilotpall Chatterjee
.... For the State respondents.

Affidavit of service filed in Court is taken on record.

The petitioner is the Pradhan of the Sadikhan's Dearh Gram Panchayat. An application was forwarded by the petitioner to the Prescribed Authority for initiating a proceeding under Section 11 (1)(d) of the West Bengal Panchayat Act, 1973 for removal of members who were absent in three consecutive meetings of the Gram Panchayat without the leave of the Gram Panchayat.

The petitioner made the application in March 2021 and complains that the same has not been taken into consideration till date.

The Prescribed Authority for taking a decision in the matter is the Sub-Divisional Officer.

It appears from records that the petitioner instead of approaching the Prescribed Authority has approached other authorities who were not prescribed to take a decision in the matter.

The petitioner refers to a postal receipt annexed at page 14 of the writ petition to show that the letter was also forwarded to the Sub-Divisional Officer, Domkal, but the postal receipt is absolutely illegible and there is no track report to show that the article was at all delivered in the office of the Sub-Divisional Officer. There is absolutely no proof of service of the letter seeking removal of members before the authority prescribed in law.

That being so, no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)