

**W.P.A. 10822 of 2021**

**(Through Video Conference)**

**INFIZ ALAM & ORS.**

**VS.**

**THE STATE OF WEST BENGAL & ORS.**

**Mr. Ekramul Bari**

**Ms. Tanuja Basak**

**...for the petitioner**

**Mr. Lalita Mohan Mahato**

**Ms. Sangeeta Roy**

**..for the State**

**Md. Nauroz**

**..for the respondent no.6**

Let the affidavit of service be taken on record.

This writ petition has been filed alleging inaction on the part of the prescribed authority in accepting the motion dated June 3, 2021, by which some of the members of the Gram Panchayat had sought for a meeting for removal of the Pradhan and Upa-pradhan on account of the lack of confidence.

This is a democratic right which the members of the Gram Panchayat can exercise under the law and the prescribed authority had no jurisdiction to refuse such a notice.

Mr. Mahato, learned Advocate appearing on behalf of the State respondents and the prescribed authority submits that in a decision reported in (1994) 1 CHN 423, this Court held that two separate notices should

be given and two separate meetings even though simultaneous should be held for each motion for removal of Pradhan and the Upapradhan. According to Mr. Mahato, this was the only reason why the notice was not accepted by the prescribed authority. He submits that if two separate notices/motions are submitted in the office of the prescribed authority on the self-same subject, the prescribed authority will accept the same. On such submissions of Mr. Mahato, nothing remains to be decided in this writ petition.

The petitioners shall be at liberty to exercise their rights under Section 12(2) of the West Bengal Panchayat Act by filing two separate motions containing the particulars as stated in the said section and the prescribed authority is bound to accept such notices and do the needful in accordance with the statute.

This writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the server copy of this order.

*(Shampa Sarkar, J.)*