

12.07.2021
Sl. No.6
srm

W.P.A. No. 10838 of 2021

Ashok Mandal & Ors.

Vs.

The State of West Bengal & Ors.

Mr. S. Mandal,

Mr. S.C. Dhara

...for the Petitioners.

Mr. Debabrata Roy,

Mr. Gazi Faruque Hossain

...for the Respondent No.6.

Mr. Lalit Mohan Mahata,

Mr. Kapil Guha

...for the State.

This writ petition has been filed challenging a communication dated May 11, 2021 issued by the prescribed authority, by which, the meeting scheduled to be held on that day for verification of the identity of the requisitionists who had brought a motion for removal of the Pradhan of Kankandighi Gram Panchayet, South 24-Parganas on the ground of lack of confidence, was postponed.

It is submitted that the prescribed authority was bound to hold a meeting as per the requisition on being satisfied that the provisions of Section 12(2) of the West Bengal Panchayet Act, 1973 had been complied with. Instead, the prescribed authority decided to verify the signature upon calling the meeting, did not do so and postponed the said meeting

without any indication as to how and when the subsequent meeting would be held.

In the meantime, more than two months have elapsed. The petitioners submit that in a democratic process, their right to remove their elected Pradhan on account of lack of confidence has been denied by the prescribed authority. The petitioners pray that liberty be given to bring a fresh requisition and a direction be passed upon the prescribed authority to act and proceed in accordance with law.

The writ petition is disposed of granting liberty to the petitioners to proceed afresh in terms of Section 12(2) of the West Bengal Panchayet Act, 1973. The prescribed authority shall act and proceed in accordance with law in terms of Sections 12 (3) and 12(4) of the West Bengal Panchayet Act, 1973.

It appears that since the outbreak of second phase of Covid-19, several meetings of like nature have been held. The Covid situation has since improved. However, it is made clear that all meetings shall be held strictly in compliance with the Covid norms issued by the Government.

The meetings and requisitions initiated earlier stand cancelled.

The writ petition is, thus, disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)