

08.07.2021
Sl. No.47
srm

W.P.A. No. 11103 of 2021

Aminul Hassan
Vs.
The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharya,
Mr. Tanweer J. Mandal,
Mr. Nabiul Islam,
Ms. Somashree Dey

...for the Petitioner.

Mr. Srijib Chakraborty,
Mr. Sunny Nandy

...for the Respondent No.4.

Mr. Lalit Mohan Mahata,
Mr. P.B. Mahata

...for the State.

Affidavit-of-service is taken on record.

This writ petition has been filed challenging the notice under Form 1E issued by the Prescribed Authority and Sub-Divisional Officer, Domkal Sub-Division, Domkal, Murshidabad dated June 29, 2021.

According to Mr. Bhattacharya, learned Advocate appearing on behalf of the petitioner, the notice has been issued without recording any satisfaction of compliance of Section 101 of the West Bengal Panchayat Act, 1973. His next contention is that the requisition notice was defective. Finally, Mr. Bhattacharya urges that when the Covid-19 pandemic is claiming so many lives, the restrictive measures imposed by the Government of West Bengal should be complied with and

such meetings should not be held in violation of the Covid norms. Such meetings have been forbidden under the provisions of the Disaster Management Act, 2005 according to Mr. Bhattacharya. He places an earlier order of a Prescribed Authority who had postponed a meeting scheduled for the election of Sabhadhipati and Sahakari Sabhadhipati of Murshidabad Zilla Parishad. According to Mr. Bhattacharya, once some of the authorities have decided that elections may not be held due to the pandemic situation, the order impugned should be set aside and the meeting should be cancelled.

The requisition notice is at page 21 of the writ petition. Names, identities and party affiliation of the requisitionists have been mentioned. The notice under Form 1E clearly states the agenda, time and place of the meeting. Form 1E itself is a satisfaction of the prescribed authority that provisions of Section 101 of the West Bengal Panchayat Act, 1973 have been complied with. No further reason has to be recorded in issuing such notice. Covid-19 norms issued by the Government of West Bengal has prohibited all political, social, cultural, academic, entertainment related gatherings, groupings. This meeting for removal of the Saabhapati is not one of such kind. This is a democratic right to be exercised by the members of the Panchayat Samity. A dead lock situation cannot be allowed to prevail. It appears that 12 members of the Panchayat Samity

have lost their confidence. I do not find any reason to interfere with the notice.

It goes without saying that the prescribed authority and all other persons involved in the meeting shall ensure that Covid-19 norms are strictly observed.

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.)