

15.07.2021
Court No. 19
Item no.02
CP

WPA 11169 of 2021

Uttam Biswas & ors.
Vs.
State of West Bengal & ors.
(via video conference)

Mr. Tarunjyoti Tewari

....for the petitioners.

Mr. Debabrata Saha Roy
Mr. Subhankar Das
Mr. Neil Basu

.....for respondents 4 & 5.

Mr. Pantu Deb Roy
Mr. Anand Farmania

....for the State respondents.

The writ petition has been filed by the requisitionists challenging inaction on the part of the prescribed authority in taking steps in terms of Section 12 of the West Bengal Panchayat Act, 1973.

Mr. Tewari, learned advocate appearing for the requisitionists, has drawn the attention of the Court to the requisition/motion for removal of the Pradhan as also the order passed by the prescribed authority by which the prescribed authority had decided to postpone the meeting for removal of the Pradhan due to the pandemic situation. Thereafter no meeting was

held. Mr. Tewari has submitted and drawn the attention of the court to the inconsistencies in the conduct of the prescribed authorities in the State, with regard to similar situations.

It is seen that in some cases, during the pandemic situation meetings have been held and in others, meetings have not been held due to the closure of the Government offices during Covid – 19 period.

Mr. Deb Roy, learned advocate appearing on behalf of the State respondents/prescribed authority, has assured the Court on a query, that henceforth endeavour shall be made that a consistent system is adopted in such situations.

Having perused the records of the case, I find the requisition notices have been issued long ago and the outer limit of 30 days has expired.

Under such circumstances, the entire proceedings which were initiated stand cancelled by lapse of time.

This writ petition is disposed of granting liberty to the petitioners to bring a fresh requisition in accordance with law. As soon as such requisition is brought the prescribed authority is directed to act in terms of the provisions of Section 12(3), 12(4) onwards to reach such requisitions to its logical conclusion in accordance with law. All parties to act

and proceed in accordance with law and in terms of the statute.

This court has not expressed any view on the merits of the dispute and the prescribed authority shall act in a free and fair manner.

With the above observations, this writ petition is disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)