

Ct. 19
Item Nos.49
19.07.2021
(suvendu)

WPA 11306 of 2021

Naharul Sk
Vs.
The State of West Bengal & Ors.

Mr. Chitta Ranjan Chakraborty
Mr. Dip Jyoti Chakraborty
.....for the petitioner
Mr. Anirban Ray, Ld. GP
Mr. Raja Saha
Mr. Subhabrata Das
.....for the State-respondents
Mr. Lalit Mohan Mahata
.....for the prescribed authority
Mr. Dhananjay Banerjee
Mr. Arup Kumar Bhowmick
.....for the private respondents

The petitioner alleges inaction on the part of the prescribed authority under the provisions of the West Bengal Panchayat Act, 1973 (for short, 'the Act') in taking steps on the basis of the complaint under Section 11(1)(d) of the Act, lodged by the petitioner.

Mr. Mahata, learned Additional Government Pleader, appearing on behalf of the prescribed authority submits that the petitioner has filed a complaint without documents to show service of the notice of the meetings upon the respondent nos. 6 to 9, whose removal is being sought.

The learned advocate appearing for the respondent nos. 6 to 9 submits that as a counter

blast to the requisition filed before the prescribed authority under Section 12(2) of the Act, the writ has been filed.

Be that as it may, even if the petitioner is removed as a Pradhan, he would continue to be a member of the Gram Panchayat. If a complaint has been lodged in accordance with the provisions of Section 11(1)(d) of the Act, then the prescribed authority that is the Sub-divisional Officer, Malda Sadar, being the respondent no. 3, shall dispose of the same in accordance with law upon giving an opportunity of hearing to all concerned. The Sub-divisional Officer, Malda Sadar, shall pass a reasoned order and shall communicate the same to all concerned. The entire exercise shall be completed within six weeks from the date of communication of this order. This Court has not gone into the merits of the contentions of the parties.

This order shall not have any bearing on the proceedings that may be initiated pursuant to the directions of this Court in its order dated July 15, 2021 passed in WPA 11245 of 2021.

The writ petition is disposed of. There shall be no order as to costs.

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

undertaking. All parties to act on the basis of the
server copy of the order

(Shampa Sarkar, J.)