

Ct. 19
Item No.10
26.07.2021
(suvendu)

WPA 11645 of 2021

**Swapan Banerjee & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Samiran Mandal
Mr. Abhinaba Dan
.....for the petitioners
Mr. Pratip Mukherjee
Ms. Asha Mehta
Mr. S.R.Ganguly
.....for the respondent no. 5
Mr. Lalit Mohan Mahata
Ms. Sukla Das Chanda
Ms. Jhuma Chakraborty
.....for the State

The writ petitioners, being the requisitionists, brought a requisition for removal of the Pradhan of Somra –II Gram Panchayat on 10th May, 2021. Thereafter, the said requisition was withdrawn and again a fresh requisition was brought on July, 08, 2021.

It is the contention of the writ petitioners that the prescribed authority failed to act in terms of Sections 12(3) and 12(4) of the West Bengal Panchayat Act, 1973.

Mr. Mukherjee, learned advocate appearing on behalf of the Pradhan, submits that the time period prescribed by the statute has expired and no order should be passed directing the prescribed

authority to take steps on the basis of the requisition notice dated July 08, 2021.

Mr. Mahata, learned Additional Government Pleader appearing on behalf of the prescribed authority, submits that there is no proof of service of the requisition upon the Pradhan. The requisition is not in order. Moreover the requisition dated 10th May, 2021 was withdrawn and thereafter a fresh requisition was brought on July, 08, 2021.

Having heard the rival contentions of the parties, this Court does not wish to express any opinion on the correctness of the facts pleaded by the parties. As the time period prescribed by the statute has expired, this Court deems it fit to set aside the requisition dated July, 08, 2021, granting liberty to the requisitionists to bring a fresh requisition under the provisions of Section 12(2) of the West Bengal Panchayat Act, 1973. If such requisition is made, the prescribed authority shall act in accordance with the provisions of Sections 12(3) and 12(4) of the West Bengal Panchayat Act, 1973 and shall reach the same to its logical conclusion. It is made clear that the provisions of law and the time period prescribed under the West Bengal Panchayat Act, 1973 shall strictly be adhered to.

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.)