

26.07.2021
Court No. 19
Item no.51
sn

WPA No. 11649 of 2021

MD. MOSTAFA SK & ORS. VS. THE STATE OF
WEST BENGAL & ORS.
(via video conference)

Mr. Milon Bhattacharya..Sr. Adv
Md. Sarwar Jahan
Mr. Yusuf Ali
Mr. Debanshu Ghorai
Mr. Abjul Aziz Mondal

..for the petitioners

Mr. Pantu Deb Roy
Mr. Pannalal Bhattacharya

..for the State

Mr. Anjan Bhattacharya

..for the respondent no.7

This writ petition has been filed by the requisitionists challenging a notice dated July 15, 2021 issued by the prescribed authority, cancelling the meeting scheduled to be held for removal of the Pradhan. The meeting was scheduled, on the basis of the requisition brought by the petitioners.

It is the contention of the petitioners, that the prescribed authority is bound under the provisions of law to call a meeting. It is their further contention that the requisitionists have the right to remove the Pradhan by a democratic process as provided by law. The prescribed authority, failed to exercise its jurisdiction under the law, by cancelling the meeting. This, according to the petitioners, amounts to interference with their democratic rights and also is in violation of the statutory provisions.

Mr. Bhattacharya, learned Senior Advocate appearing on behalf of the petitioners urges that this Court should pass strict orders/directions upon the prescribed authority to act and proceed in accordance with the provisions of law and reach the requisition notice to its logical conclusion.

Mr. Anjan Bhattacharya, learned Advocate appearing on behalf of the Pradhan submits that the prescribed authority did not have any option but to cancel the meeting, only because he expected breach of law and order during floor test.

Mr. Pantu Deb Roy, learned Advocate appearing on behalf of the State respondents submits that the disputes between the parties had reached a serious point, and the prescribed authority having apprehended disruption in the meeting, cancelled the same.

Having gone through the records, I find that the period prescribed by law, in holding the meeting, has expired. Thus, steps initiated by the requisitionists and the subsequent decisions of the prescribed authority have now become academic and of no relevance at all.

This writ petition is disposed of, with a liberty to the requisitionists /petitioners to bring a fresh requisition in accordance with the provisions of Section 12(2) of the West Bengal Panchayat Act,

1973. If such requisition is brought, the prescribed authority shall reach the same to its logical conclusion upon compliance of the provisions of Sections 12(3) and 12(4) of the West Bengal Panchyat Act, 1973.

It is made clear that the Court has not gone into the merits of the matter and the entire matter shall be decided in accordance with law. The prescribed authority shall adhere to the time limit prescribed by the statute. If the prescribed authority finds that law and order problems may continue, then necessary requisition for police help shall be made and the police authority shall co-operate with the prescribed authority.

This writ petition is disposed of.

There will be however no order as to costs.

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

(Shampa Sarkar, J.)