

23.07.2021
Sl. No.66
srm

W.P.A. No. 11704 of 2021
Namita Sardar
Vs.
The State of West Bengal & Ors.

Mr. Rabiul Islam,
Mr. Gourab Nath

...for the Petitioner.

Mr. Anirban Roy, Id. G.P,
Mr. Raja Saha,
Mr. Amit Kumar Ghosh

...for the State.

Affidavit-of-service is taken on record.

This writ petition has been filed by the Pradhan, Uttar
Mokamberia Gram Panchayat, South 24-Parganas.

It is the contention of the petitioner that the Block
Development Officer, Basanti Block/the prescribed authority
has failed to exercise his discretion under the Section 213A of
the West Bengal Panchayat Act, 1973 (hereinafter referred to as
the said Act). According to the petitioner, before calling a
meeting for removal of the Pradhan on the basis of the
requisition under Section 12(2) of the said Act, the prescribed
authority should have decided the petition of the Pradhan for
disqualification of some of the requisitionists, filed on July 6,
2021. It is prayed that before the removal motion is decided
today at 12 noon, the prescribed authority should be directed
to decide the petition under Section 213A of the said Act.

Having perused the petition under Section 213A of the said Act, it appears that the same is not in accordance with the provisions of sub-section (7) of Section 213A of the said Act. No order is passed in the writ petition.

The petitioner is granted liberty to approach the prescribed authority in accordance with law, if the situation so arises.

This Court has not gone into the merits of the case.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)