

Ct. 19
Item No.12
26.07.2021
(suvendu)

WPA 11712 of 2021

Josnara Khatun
Vs.
The State of West Bengal & Ors.

Mr. Chitta Ranjan Chakraborty
Mr. Dip Jyoti Chakraborty
.....for the petitioner
Mr. Swarvanu Saha
.....for the respondent nos. 5 to 11
Mr. Lalit Mohan Mahata
Mr. Kapil Guha
.....for the State

It is the contention of the writ petitioner, who is the Pradhan of Chandmoni –II Gram Panchayat, that the prescribed authority issued a notice on July 14, 2021 calling for a meeting on 28th July, 2021 for his removal as the Pradhan of the Gram Panchayat, in violation of the statute. According to the petitioner, the notice dated July 14, 2021 was issued beyond five working days, even if the time during which the government offices had been closed on account of the pandemic, is excluded.

Mr, Mahata, learned additional government pleader appears on behalf of the State respondents and submits that the time period as prescribed under the provisions of the West Bengal Panchayat

Act, 1973 expired in the instant case because of the prevailing pandemic situation.

The record shows that the meeting has been called on 28th July, 2021, which is almost fifty nine days beyond the date of requisition. Without going into the question as to whether the time when the offices were closed due to the pandemic situation should be excluded or not, this Court is of the opinion that as the time period prescribed by the statute has expired, the entire requisition and the notice under challenge should be set aside, granting liberty to the requisitionists 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 made, the prescribed authority shall act in accordance with the provisions of the West Bengal Panchayat Act, 1973 and shall reach the same to its logical conclusion. It is made clear that the provisions of Sections 12(3) and 12(4) of the West Bengal Panchayat Act, 1973 shall strictly be adhered to by the prescribed authority.

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.)