

5.8.2021  
Court No. 19  
Item no.56  
nb

WPA No. 11908 of 2021

SATYAJIT PAL VS. STATE OF WEST BENGAL  
& ORS.

(via video conference)

Mr. T.J. Tewari

Mr. B. Dutta

...for the petitioner

Mr. Sarwar Jahan

Mr. Asrof Mondal

.. for the respdt. 5

Mr.Srijan Nayak

Ms. Rituparna Maitra

..for the State

Let the affidavit of service be taken on record.

The petitioner is a requisitioner. He brought a requisition for holding a meeting for removal of the Pradhan on May 10, 2021. The prescribed authority issued a notice on May 11, 2021 and directed the requisitioner to appear before the authority to satisfy the authority about their identity and party affiliation. The proposed meeting was scheduled to be held on May 25, 2021, but by a notice dated May 18, 2021, the meeting was cancelled because of the Covid situation. Unfortunately, the prescribed authority did not intimate the requisitioner of a further date for holding the meeting. Question is whether such meeting can at all be held beyond the prescribed period under the statute.

It is also a democratic right of the requisitionists to remove the Pradhan, who has lost

the confidence of the members of the gram panchayat. The delay caused has frustrated such rights available to the requisitionists under the law. The Court has been apprised that the Chief Secretary, Government of West Bengal has issued a circular dated July 29, 2021, wherein programmes of the government have been allowed upon following safety measures. Thus, government meeting/functions in offices, establishments and work place can be carried on. There is no further impediment in holding any meeting in future by observing Covid protocols.

Under such circumstances, as the period prescribed by law has expired, the writ petition is disposed of, granting liberty to the requisitionists to bring fresh requisition in terms of Section 12(2) of the West Bengal Panchayat Act, 1973. If such requisition is brought, the prescribed authority shall comply with the provisions of Sections 12(3) and 12(4) onwards, in order to reach the requisition to its logical conclusion in accordance with law. The prescribed authority shall mandatorily follow the directions passed by the Court and discharge his duties under the law without fear and favour within the time prescribed by the statute.

It is made clear that the Court has not expressed any opinion as to the competence of the

Pradhan to remain in office. The said issue shall be decided in the test that he will face at the meeting scheduled by the prescribed authority. The police authorities are directed to render all assistance to the prescribed authority as and when required. Any laches on the part of the police authorities shall be taken as strict violation of the order of this Court.

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.)**