

30.07.2021
Sl. No.14
srm

W.P.A. No. 12028 of 2021
Md. Murtej Ansari
Vs.
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Sandipan Das,
Mr. Akashdeep Mukherjee,
Ms. Sreejita Biswas

...for the Petitioner.

Mr. Anirban Ray, Id. GP
Mr. Raja Saha,
Mr. Biswabrata Basu Mullick

...for the State.

The petitioner as one of the requisitionists, along with 11 other members had brought a requisition under Section 12(2) of the West Bengal Panchayat Act, 1973 requesting the prescribed authority to call a meeting for removal of the Pradhan of Ratua Gram Panchayat, Malda as they had lost confidence in the Pradhan.

Records reveal that the meeting was scheduled to be held on July 30, 2021. Thereafter the said meeting was postponed by the prescribed authority as adequate police force was not available. The prescribed authority thought it fit to postpone the meeting as he apprehended law and order problems. Records also reveal that no further date has yet been fixed for the meeting. In the meantime, the 30 days outer limit as prescribed under Section 12(10) of the said Act has expired.

This Court is of the opinion that, as the government officers are now functioning, there cannot be any further impediment in holding the meeting. Thus, the requisitionists are granted liberty to bring a fresh requisition in terms of Section 12(2) of the said Act. If such requisition is brought, the prescribed authority shall reach the same to its logical conclusion upon complying with the provisions of Sections 12(3) and 12(4) and other provisions of the said Act with regard to holding of such meeting, by strictly adhering to the time limit prescribed by the statute.

If the prescribed authority is of the opinion that police assistance would be required, the prescribed authority shall make a requisition for adequate police force and the concerned respondent No.6 shall ensure the presence of adequate police force. Denial of police force is viewed strictly by this court. This court finds that such meetings are not held as the police authorities do not co-operate with the prescribed authority.

The institution must run on democratic principles. In democracy all persons heading public bodies can continue provided they enjoy the confidence of the persons who comprise such bodies. This explains why this provision of no-confidence motion had been provided in the Act.

The writ petition is, thus, disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)