

09.08.2021
Court No. 19
Item no.17
CP

WPA 12172 of 2021

Md. Rabiul Seikh
Vs.
The State of West Bengal & ors.

(via video conference)

Mr. Ayan Banerjee
Mr. Jay Chakraborty
.....for the petitioner.

Mr. Anjan Bhattacharya
Ms. Anita Shaw

.....for the respondents 6 to 9.

Mr. Raja Saha
Mr. Syed Nasirul Hossain

....for the State.

The writ petition has been filed by one of the members of Kaliachak-I Gram Panchayat for a direction upon the prescribed authority under Section 11 of the West Bengal Panchayat Act, 1973 to dispose of the application filed by the petitioner seeking removal of some of the members. Those members are the respondent nos. 6 to 9 and are represented by Mr. Anjan Bhattacharya, learned advocate.

It is contended by Mr. Banerjee that the prescribed authority, i.e., the Sub-Divisional Officer (Sadar), Malda has already completed the hearing and has not yet passed the order finally.

Mr. Raja Saha, learned advocate appearing on behalf of the prescribed authority, also submits that that the prescribed authority has already completed the hearing and has not yet passed the final order.

Mr. Anjan Bhattacharya submits that although a show cause notice was issued and the respondents 6 to 9 have answered to the show cause and filed their respective documents, the said respondents may be given another chance to place their case before the prescribed authority.

Having heard the contentions of the parties, this court is of the opinion that once the hearing has been given, the prescribed authority should pass the final order within a period of three weeks from the date of communication of this order.

However, if the prescribed authority is of the opinion that before the final decision is taken, one more hearing should be given to the parties, he shall be entitled to do so.

Under such circumstances, the writ petition is disposed of with a direction upon the Sub-Divisional Officer (Sadar), Malda to pass a final order on the basis of the application made by the petitioner in accordance with law and he shall also be at liberty to give a final hearing to the parties if he thinks it necessary for better appreciation of the facts. A final decision shall be taken and communicated to the

parties within a period of three weeks from the date of communication of this order.

The writ petition is disposed of. There shall be no order as to costs.

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

(Shampa Sarkar, J.)