

10.08.2021
Sl. No.17
srm

W.P.A. No. 12301 of 2021
Rusda Parvin & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Dhananjay Banerjee, Mr. Arup Kumar Bhowmick	...for the Petitioners.
Mr. Swaryanu Saha	...for the Respondent No.7.
Mr. Raja Saha, Mr. Rajaram Banerjee	...for the State.

Let the affidavit of service be taken on record.

The petitioners are the requisitionists who had brought the requisition before the prescribed authority. The requisition was for removal of the Pradhan of Pukhuria Gram Panchayat, District-Malda. Mr. Swaryanu Saha represents the Pradhan.

The allegation of the petitioners is that the requisition was brought on June 21, 2021 but the prescribed authority failed to issue notice of motion for removal of the Pradhan. The prescribed authority by a letter dated June 28, 2021 informed the petitioners about his inability to hold the meeting for removal of the Pradhan in anticipation of breach of peace, as the police authorities would not be able to render their assistance. Prayer is made for a direction upon the prescribed authority to convene a meeting.

It is the contention of the petitioners that the requisitionists have a right to bring a requisition in terms of Section 12(2) of the said Act and they also have a right to bring such motion when they have lost confidence on the Pradhan.

It is contended by the Pradhan that the requisition was brought forty days ago and has lost its force.

Having considered the rival contentions of the parties, as the time limit has already expired, the requisition has become infructuous. The requisition notice has accordingly lost its force and the same is set aside and quashed.

This writ petition is disposed of with liberty to the requisitionists to bring a fresh requisition in terms of Section 12(2) of the said Act. If such requisition is brought, the prescribed authority shall satisfy himself about compliance of Section 12(2) of the said Act and then act and proceed in terms of Section 12(3) and 12(4) onwards to reach the requisition to its logical conclusion within the period mentioned in the statute. The bar under Section 12(11) of the said Act shall not be applicable.

This Court is not making any observation on the right of the Pradhan to continue in his office as the said issue will be decided in the meeting itself. If necessary, the prescribed authority may seek police protection, which shall be rendered

without any delay or laches on the part of the police authorities.

This order shall not have any impact on the pending application before the Sub-Divisional Officer concerned under Section 11(1)(d) of the said Act.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)