

17.08.2021
Sl. No.27
srm

W.P.A. No. 12695 of 2021

Utpal Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharya,
Mr. Sayan Chattopadhyay,
Ms. Payel Shome

...for the Petitioner.

Mr. Chittaranjan Chakraborty
Mr. Dip Jyoti Chakraborty,
Mr. Sandip Dinda

...for the Private Respondents.

Mr. Lalit Mohan Mahata,
Mr. Kapil Guha

...for the State.

Affidavit of service is taken on record.

The petitioner, who was the erstwhile Sabhapati of Bamongola Panchayat Samity, District-Malda, has challenged the entire process of his removal initiated by the requisitionists of the concerned Panchayat Samity on the ground that the meeting for removal was held beyond the statutory period of 30 days. The requisition was undated, the notice of the meeting for removal was not issued within five working days and that the resolution to remove and order of removal dated July 23, 2021 were illegal and suffered from the statutory non-compliances.

Mr. Mahata, learned Additional Government Pleader, appears on behalf of the prescribed authority and submits that there is no scope for passing any interim order in this matter as

the petitioner has already been removed almost one month ago and a new Sabhapati has been elected.

The learned Advocate for the requisitionists submits that the writ petition was filed almost a month after the removal took place. The meeting of removal was held on July 15, 2021.

Having considered the rival contentions of the respective parties, this Court is of the opinion that there is no scope for passing any interim order. However, as the writ petitioner has raised the question of legality of the meeting, which was held beyond the period of 30 days from the issuance of the requisition, the matter has to be decided on affidavits.

Let affidavit-in-opposition be filed within period of six weeks; reply thereto, if any, be filed within a period of two weeks thereafter.

Liberty is given to the parties to mention the matter before the appropriate Bench after expiry of the abovementioned period.

All actions taken in the meantime shall abide by the result of the writ petition.

The newly appointed Sabhapati of the concerned Panchayat Samity be added as a respondent in the writ petition. A copy of the writ petition be served upon him.

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

(Shampa Sarkar, J.)