

**07.
17.08.2021.
Ct. No. 11.
F.B.**

**MAT 806 of 2021
with
IA No. CAN 1 of 2021**

(Via Video Conference)

**Md. Nojibur Rahaman
-Vs.-
The State of West Bengal & Ors.**

**Mr. Abhrotosh Majumder,
Mr. Srijib Chakraborty,
Mr. Sabyasachi Chatterjee,
Mr. Akashdeep Mukherjee,
Mr. Sandipan Das,
Ms. Srijita Biswas
..... For the Appellant.**

**Mr. Santanu Mitra,
Mr. Subhabrata Das
..... For the State.**

**Mr. Sakya Sen,
Mr. Sadhan Kumar Halder,
Mr. Tapash Kumar Mondal,
Ms. Sarani Ray
..... For the Private Respondents.**

Under challenge in this appeal is the order impugned of the Hon'ble Single Bench dated 16th of August, 2021 in the writ petition being WPA 12789 of 2021. The subject matter of the appeal and its connected application is the meeting for removal of the appellant as Pradhan of the Gram Panchayat in issue upon a notice to such effect signed by a majority of the Gram Panchayat members acting as requisitionists.

Mr. Abhrotosh Majumder, Learned Senior Counsel appearing with Mr. Srijib Chakraborty, Mr. Sabyasachi Chatterjee and Mr. Sandipan Das, Learned Counsel, submits in support of the appeal and the connected application.

The arguments primarily hinge on the failure on the part of the Prescribed Authority (PA) to act in terms of Section 12 of the West Bengal Panchayat Act, 1973 (for short, the 1973 Act) read with its relevant subsections. Copious references in the arguments submitted by the appellant have been made to the expressions 'adjourned meeting', 'cancelled meeting' and 'fresh meeting' of no-confidence put on notice by the requisitionists.

It is submitted that the meeting impugned in the writ petition was not in accordance with the requirements of Section 12(3), (4) and (10) of the 1973 Act.

On behalf of the State Respondents and, on behalf of the private respondents/the requisitionists, Mr. Santanu Mitra, Learned Counsel with Mr. Subhabrata Das, Learned Counsel and Mr. Sakya Sen, Learned Counsel with Mr. Sadhan Kumar Halder and Tapash Kumar Mondal, Learned Counsel, respectively appear and submit that the notice to requisition the

meeting as filed by the requisitionists/the private respondents to this appeal, became the subject matter of repeated litigation at the instance of the present appellant. Meetings however, could not be held due to several intervening circumstances such as Covid restrictions as well as a deterioration in the local law and order situation on the eve of the meeting.

It is submitted uniformly by Learned Counsel for the respondents that noticeably the entire exercise for holding the meeting of no-confidence against the present appellant by the requisitionists has remained sub-judice from the stage of the first notice itself. However, repeatedly in the past the Hon'ble Court has been pleased not to stay the notice of the meeting. The meeting had to be adjourned due to several factual circumstances on the ground.

Even by the present order under challenge in this appeal dated 16th of August, 2021, the meeting has not been interdicted and questions of facts have been left to be decided on filing of affidavits by the respective parties. At this stage, this Court has no reason to hold a view different from the view held by the Hon'ble Single Bench.

No orders are therefore necessary in this appeal except that the parties are remanded to the Hon'ble

Single Bench for a final hearing on affidavits, as already directed.

However, steps taken shall abide by the ultimate result of the writ petition.

MAT 806 of 2021 with **IA No. CAN 1 of 2021** stand thus **disposed of**.

Since affidavits to IA No. CAN 1 of 2021 (supra) are not invited, all allegations are deemed to be denied and disputed.

All parties to act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Jay Sengupta, J.)

(Subrata Talukdar, J.)