

24.08.2021
Sl. No.5
sn

W.P.A. No. 12936 of 2021

**Sariful Islam & Ors.
Vs.
The State of West Bengal & Ors.**

Md. Sarwar Jahan
Md. Ashraful Haq

...for the Petitioners

Mr. Anirban Ray Id.G.P.
Mr. Raja Saha
Mr. S.P. Lahiri

...for the State.

Mr. Shamim Ul Bari

...for the Pradhan

Mr. Robiul Islam
Mr. P. Banerjee
Mr. A. Chakraborty

...for the respdts 7-13 & 15-20

Some of the members of the Sarangpur Gram Panchayat has filed this writ petition alleging that the requisition brought by some of the members of the Gram Panchayat for removal of the Pradhan of Sarangpur Gram Panchayat cannot be acted upon. No meeting on the basis of the requisition can be held by the prescribed authority as the requisition contains a stigma. He prays for cancellation of the requisition as also the notice calling for the meeting for removal of the Pradhan.

Mr. Islam, learned advocate for the requisitionists and Mr. Bari, learned advocate for the Pradhan have raised objections about the locus of the petitioners and have contended that when the person sought to be removed has not

come before this Court, the members of the gram panchayat cannot invoke the jurisdiction of this court.

Mr. Saha, learned advocate for the prescribed authority submits that no legal right of the petitioners have been infringed by the requisition impugned and the petitioners cannot approach this Court under Article 226 of the Constitution of India. He relies on the decision of *Jasbhai Motibhai Desai Vs. Roshan Kumar Haji Bashir Ahmed & Anr.* reported in (1976) 1SCC 671.

At this juncture, Mr. Jahan submits that the petitioners do not want to press this writ petition.

The writ petition is dismissed as not pressed. The meeting as scheduled to be held will be held in accordance with law on August 26, 2021.

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

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

(Shampa Sarkar, J.)