

25.08.2021
Sl. No.5
srn

W.P.A. No. 13236 of 2021
Sabina Khatun
Vs.
The State of West Bengal & Ors.

Mr. Dipankar Pal,
Ms. Kakali Naskar

...for the Petitioner.

Mr. Lalit Mohan Mahata,
Mr. Supratim Dhar

...for the State.

Mr. Anjan Bhattacharya,
Ms. Anita Shaw

...for the Respondent Nos.5 to 13.

Affidavit of service is taken on record.

The petitioner is the Upa-Pradhan of Kaliachak-I Gram Panchayat, District-Malda. The petitioner has challenged a notice dated August 10, 2021 issued by the prescribed authority under Form 1E of sub-rule(2) of Rule 5B of the West Bengal Panchayat (Constitution) Rules, 1975.

It is the contention of the petitioner that the meeting which is to be scheduled on August 25, 2021 is beyond the 15 working days prescribed under Section 15(4) of the West Bengal Panchayat Act, 1973. It is the contention of the petitioner that the law stipulates that the prescribed authority shall hold the meeting not later than 15 working days from the date of receipt of motion. It is submitted that the expression

“not later than” makes the provision mandatory and August 25, 2021 being the 16th working day from August 3, 2021. Thus, according to the petitioner, the meeting cannot be held and the notice should be set aside and cancelled.

Mr. Anjan Bhattacharya, learned Advocate appearing for the requisitionists, and Mr. Mahata, learned Senior Government Advocate appearing for the prescribed authority, submit that the contention of the petitioner is incorrect as the requisition was served in the office of the prescribed authority on August 4, 2021. Mr. Mahata further submits that the prescribed authority received the said requisition on August 5, 2021.

Thus, as the date of receipt of the requisition by the office of the prescribed authority is August 4, 2021, the meeting has been rightly called on August 25, 2021, which is the 15th working day.

No other points have been raised by the petitioner.

The writ petition is, thus, dismissed.

The meeting shall be held on August 25, 2021 as per schedule.

As the order is being passed in presence of the learned Advocates for the respective parties, all parties shall act on the basis of the learned Advocates communication.

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.)