

07.09.2021
Item No.8
Crt.No.11
K.B.

**M.A.T. 932 of 2021
with
I.A. No.CAN 1 of 2021**

**Mst. Santara Khatun
-versus-
The State of West Bengal & Ors
(Via Video Conference)**

Mr. Dipankar Pal
... For the appellant.

Mr. Robiul Islam
Mr. Shamim ul Bari
... For the Requisitionists.

Mr. Raja Saha
Mr. Biswabrata Basu Mullick
... For the State-respondents.

Party/parties is/are represented in the order of
their name/names as printed above in the cause title.

Under challenge in this appeal is the order dated
2nd September, 2021 in the writ petition.

By the order impugned the Hon'ble Single Bench
permitted the meeting of no-confidence called by the
Prescribed Authority (PA) on the notice of the
requisitionists/Respondents to the writ petition for
removal of the writ petition/ the Prodhan/the present
appellant to be held as per law.

Mr. Pal, Learned Counsel appearing for the
appellant/the Prodhan, submits that the Hon'ble Single
Bench ought to have noticed that the steps taken in
terms of Sections 12(2), 12(3) and 12(4) of the West
Bengal Panchayat Act, 1973 (for short the 1973 Act) have

not culminated in a situation whereby it can be with certainty held that the process initiated for removal has culminated in a situation whereby the bar under Section 12(11) of the 1973 Act does not apply.

Per contra, both Mr. Robiul Islam, Learned Counsel appearing for the requisitionists and Mr. Raja Saha, Learned State Counsel, point out that there is no question of the bar under, in effect, the notice of the requisitionists could not be put to vote.

Having heard the parties and considering the materials placed, this Court finds that the Hon'ble Single Bench intended to examine the issue by directing the parties to exchange affidavits.

Accordingly, the Hon'ble Single Bench has throughout expressed its *prima facie* view on the statutory provisions as placed by the parties and the requisition notice by its order dated 2nd September, 2021.

Steps taken in the meantime have been also directed by the Hon'ble Single Bench to appear by the result of the writ petition.

In view of the intended full exploration of both the statutory and the factual material by the Hon'ble Single Bench on the basis of affidavits, this Court does not consider it appropriate to intervene at this stage.

The *prima facie* opinion expressed by the Hon'ble Single Bench have not culminated in a conclusive determination of the rights of the parties as yet.

Accordingly, the parties are directed to argue the matter before the Hon'ble Single Bench itself on the basis of the directions as already passed in the order dated 2nd September, 2021.

MAT 932 of 2021 and **I.A. No. CAN 1 of 2021** stand accordingly **disposed of**.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Kesang Doma Bhutia, J.) - (Subrata Talukdar, J.)