

S/L 4
13.09.2021
Court. No. 19
sn

WPA 14280 of 2021

Md. Rabiul Seikh & Anr.
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Dipankar Pal
Ms. Kakali Naskar ...for the Petitioners.

Mr. Anjan Bhattacharya
Ms. Anita shaw .for the respdts 5 to 13

Mr. Raja Saha,
Mr. Shuvro Prokash Lahiri
...for the State.

The petitioners are the members of Kaliachak-I Gram Panchayat. The petitioner no. 2 is also discharging the duty of Upapradhan. The petitioners pray for setting aside of the meeting and resolution passed in the same on August 25, 2021. The petitioner no.2 was removed from his office of the Upapradhan. Further prayer has been made that the meeting to be held on September 13, 2021 for election of the new Upapradhan should also be set aside. The grounds for challenge are that the provisions of Section 12(2) of the West Bengal Panchayat Act, 1973 had not been complied with. That the prescribed authority did not satisfy himself about such compliance. That the provision of Section 12(3) and 12(4) of the said Act have not been followed and the notice of the meeting for removal of the Upapradhan was issued beyond the statutory period.

Mr. Saha, learned advocate for the prescribed authority submits that the requisition was brought on August 3, 2021. The notice was issued on August 10, 2021, that is, within five working days and the meeting was held within fifteen working days from the date of receipt of the requisition.

Mr. Bhattacharya, learned advocate for the requisitionists adopts the submission of Mr. Saha with regard to compliance of different provisions of law. Mr. Pal has not been able to convince the court that the meeting was held in violation of the statutory provisions.

Having considered the rival contentions of the parties, this Court is of the opinion that there has been no illegality in the procedure adopted by the prescribed authority.

The writ petition is dismissed without any interference.

The meeting scheduled to be held on September 13, 2021 will be held in accordance with law.

However, there will be no order as to costs.

All parties are directed to act on the basis of the learned advocate's communication.

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

(Shampa Sarkar, J.)