

S/L 6
10.09.2021
Court. No. 19
GB

WPA 14325 of 2021

Rusda Parveen
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Srijib Chakrobarty,
Mr. Aditya Mondal,
Ms. Cardina Roy.*

...for the Petitioner.

*Mr. Atarup Banerjee,
Mr. Anjan Bhattacharya,
Mr. Sunny Nandy,
Mr. Tamal Singha Roy,
Mr. Subha Pathak.*

...for the Respondent No.7.

*Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata.*

...for the State.

The petitioner, who is one of the requisitionists, has filed this writ petition challenging the meeting convened by the prescribed authority pursuant to the requisition brought by the prescribed authority.

The meeting was fixed on September 10, 2021 at 10.30 a.m., that is, today. When the matter is being moved, the meeting has already been held and the requisitionists have been proved to be unsuccessful, as informed by the learned advocate appearing for the prescribed authority as also by the learned advocate appearing for the Pradhan.

Mr. Mahata, learned Senior Government Advocate appearing on behalf of the State respondents submits that the requisitionists intended to remove the Pradhan in

accordance with law. The prescribed authority acted upon such requisition and called for the meeting. On September 1, 2021 the prescribed authority had postponed the meeting, which was originally scheduled on September 2, 2021 on the ground that adequate police force was not available and there was serious apprehension of breach of peace which would be compromising the security of the members as also the persons present during such meeting.

The contention of the petitioner that thereafter the meeting could not have been fixed on September 10, 2021 in view of the expiry of the period of 15 days as stated in Section 12(4) of the West Bengal Panchayat Act, 1973 (hereinafter referred to as the 'said Act') is not acceptable to the Court in view of the fact that, the prescribed authority who was in a position to assess the threat perception apprehended, breach of peace and security and had postponed the meeting for reasons beyond the control. This power has been conferred upon the prescribed authority under Section 12(4) of the said Act and the mandatory provision of holding the meeting within 15 working days from the date of receipt of the requisition may not be followed in a case of such nature, where the meeting cannot be held for reasons beyond control of the prescribed authority. Without police support the authority did not wish to hold the meeting.

Mr. Banerjee, learned advocate appearing on behalf of the respondent no.7 submits that another requisitionist preferred a writ petition for a direction upon the prescribed

authority to hold the meeting and subsequently, the said writ petition was dismissed as withdrawn on September 6, 2021. Today, some other requisitionist has come before this Court for a direction upon the prescribed authority not to hold the meeting.

Having considered the rival contentions of the parties, as the meeting has already been held and the motion was not carried through, no order can be passed in the writ petition. I do not find any illegality on the part of the prescribed authority in holding the meeting on September 10, 2021 as the meeting could not be held within 15 working days from the receipt of the requisition in view of the apprehension of breach of peace and the prescribed authority was not sure of getting adequate police protection. However, the meeting was held prior to the expiry of 30 days as prescribed under Section 12(10) of the said Act. The requisition was received by the prescribed authority on August 12, 2021 and the meeting was held on September 10, 2021.

Accordingly, the writ petition is dismissed.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)