

13.09.2021
Sl. No.5
srm

W.P.A. No. 14388 of 2021
Biswajit Sarkar & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sarwar Jahan
Mr. Shahan Shah

...for the Petitioners.

Mr. Jaharlal De,
Mr. Jaladhi Das

...for the State.

Despite service, none appears on behalf of the respondent Nos.8 to 10. Affidavit of service is taken on record.

The petitioners are the requisitionists who brought a requisition on August 25, 2021 for removal of the Pradhan of Kanainagar Gram Panchayat, District Nadia.

Admittedly, the requisitionists are the majority members of the said Gram Panchayat. The requisition was brought pursuant to a liberty granted by this Court. The prescribed authority upon compliances of the provisions of Sections 12(3) and 12(4) of the West Bengal Panchayat Act, 1973 (hereinafter referred to as the said Act) issued a notice under Form 1E sub-rule (2) of Rule 5B of the West Bengal Panchayat (Constitution) Rules, 1975, fixing September 14, 2021 as the date for holding the meeting. The petitioners have alleged that once this meeting had been called by the prescribed authority, the

petitioners and their family members have been receiving continuous threats from unknown persons. The petitioners have been threatened that they would be falsely implicated in cases under the NDPS Act and the POCSO Act. Accordingly, apprehending serious harm that may be caused to them, the petitioners have written to the prescribed authority that the meeting may be postponed. It is informed that the prescribed authority has decided to continue with the meeting without paying any attention to the requests of the requisitionists. The prescribed authority has fixed the meeting on September 14, 2021 at 12.30 p.m.

Mr. De, learned Advocate appearing on behalf of the prescribed authority, submits that the allegations are false and baseless as the petitioners have not lodged any complaint with the police. He further submits that the requisitionists are not sure that the motion would be carried through in the meeting and in order to avoid bar under Section 12(11) of the said Act have moved this writ petition so that the meeting may not be held on September 14, 2021 and the bar under Section 12(11) shall not be applicable and another requisition could be brought when the situation was favourable.

This Court is of the view that as the prescribed authority has complied with the legal formalities in calling the meeting at the behest of the petitioners, the

meeting should be held on the scheduled date that is, September 14, 2021, but with full police protection.

This Court has already directed in many cases that the local police station shall give complete protection to the prescribed authority, officials present during the meeting and all the members of the particular gram panchayat including the office bearers who are required to participate in the meeting. The Superintendents of Police of the concerned districts have also been directed by the Court to assess the vulnerability of the members and ensure such protection. The district administration has been given liberty to assess the situation of apprehended violence and breach of peace and impose such restrictions in and around the area including imposition of Section 144 of the Cr.P.C.

As the petitioners are afraid to attend the meeting which has been called at their behest, this writ petition is disposed of directing the prescribed authority to hold the meeting on September 14, 2021 in accordance with law with full police protection. The Inspector-in-Charge, Tehatta Police Station shall render adequate police force for protection of all participants in the meeting including the officials and the prescribed authority. The Superintendent of Police, Nadia shall monitor the situation and the Sub-Divisional Police Officer, Tehatta Sub-Division shall ensure that the meeting is held without any violence and shall take all measures that

may be necessary to avoid unnecessary crowding and assembling of persons not connected with the meeting in and around the area.

This writ petition is, thus, disposed of.

There will be no order as to costs.

The learned Advocates are directed to communicate this order immediately to the prescribed authority and all other authorities and the authorities shall act and proceed on the basis of the learned Advocates communications.

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

(Shampa Sarkar, J.)