

S/L 23
16.09.2021
Court. No. 19
GB

WPA 14459 of 2021

Satya Bhusan Mallik
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Srijib Chakrobarty,
Mr. Aditya Mondal.*

...for the Petitioner.

*Mr. Raja Saha,
Mr. Shamim Ul Bari.*

...for the State.

*Mr. Chitta Ranjan Chakraborty,
Mr. Dip Jyoti Chakraborty.*

...for the Respondent No.5.

*Mr. Sunny Nandy,
Mr. Subha Pathak.*

...for the Gram Panchayat.

The petitioner is the leader of the Bharatiya Janata Party at Malda especially in the area of Jajoil Gram Panchayat. The petitioner alleges that the prescribed authority has not yet disposed of the application under Section 11(1)(e) of the West Bengal Panchayat Act, 1973 filed against the respondent no.5 praying for his removal on the ground that the said respondent has not paid arrear panchayat taxes for the last four years.

Mr. C.R. Chakraborty, learned advocate appearing on behalf of the respondent no.5 submits that the prescribed authority was not even given a single day to deal with the complaint and the writ petition was filed on the first working day, following the submission of the application before him.

Mr. Saha, learned advocate appearing on behalf of the State submits that the writ petition is misconceived and no order should be passed in favour of the petitioner.

Having heard the submissions of the learned advocates for the respective parties, this writ petition is disposed of with a direction upon the prescribed authority to dispose of the complaint/application filed by the petitioner in accordance with law and pass a reasoned order upon hearing the parties expeditiously.

It is made clear that this order shall not be construed as an observation on the maintainability of the application before the prescribed authority. The prescribed authority shall decide the entire issue in accordance with law including the point of maintainability of the application, as to whether the same is in the prescribed form as per the rules or not. A reasoned order shall be passed and communicated within 6 weeks from date.

Accordingly, the writ petition is disposed of.

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.)