

16.09.2021
Sl. No.6
srm

W.P.A. No. 14683 of 2021
Bharat Chandra Mandal
Vs.
The State of West Bengal & Ors.

Mr. Chitta Ranjan Chakraborty,
Mr. Dip Jyoti Chakraborty
...for the Petitioner.

Mr. Gangadhar Das
...for the Respondent Nos.5 to 11.

Mr. Lalit Mohan Mahata,
Mr. Rudranil De
...for the State-Respondents.

Affidavit-of-service is taken on record.

The petitioner is the Pradhan of Bairagachi-I Gram
Panchayat, District-Malda.

It is the contention of the petitioner that the prescribed authority fixed the meeting for removal of the Pradhan on September 20, 2021 by not complying with the provisions of Section 12(3) of the West Bengal Panchayat Act, 1973 (hereinafter referred to as the said Act). It is the contention of the petitioner that the prescribed authority did not satisfy himself about the modes of service of the requisition upon the Pradhan. Thus the entire proceeding is vitiated and ought to be set aside and cancelled.

Mr. Das, learned Advocate appearing on behalf of the requisitionists, hands over copies of the requisition which

show receipt of the same by the Secretary of the Bairgachi-I Gram Panchayat on August 31, 2021 at 2.50 p.m. It bears the signature of the Pradhan. The Pradhan has written “seen” on the requisition and has also affixed his signature with date. Moreover, the postal receipt showing despatch of the requisition on August 31, 2021 has been produced before the Court along with the track report downloaded from the website of the postal department, which show that the requisition which was sent to the residence of the Pradhan by registered post on August 31, 2021 was also received prior to the issuance of the notice dated September 6, 2021. Moreover, the prescribed authority issued notices to the requisitionists marking a copy to the Pradhan at the time of recording his satisfaction with regard to the compliance of Section 12(2) of the said Act. The documents supplied by Mr. Das are taken on record.

Mr. Mahata, learned Senior Government Advocate appearing on behalf of the prescribed authority, submits that the prescribed authority has complied with the provisions of law and has acted strictly in terms of the provisions of the statute, thereby adhering to every time limit prescribed under the law. He further submits that the allegation of the petitioner that the petitioner came to know of the requisition from other members cannot be accepted in view of the fact that he had

seen the requisition, signed on the same and had also been asked by the prescribed authority to attend a meeting held by the prescribed authority to satisfy himself about the compliance of Section 12 (2) of the said Act, including service of the requisition upon the Pradhan.

As the meeting has been fixed on September 20, 2021 the same shall be held in accordance with law, without any hindrance and reached the same to its logical conclusion as per law.

If required, the prescribed authority shall be at liberty to take police protection from the local police station, which shall be provided mandatorily.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)