

S/L 11
01.10.2021
Court. No. 19
GB

WPA 15413 of 2021

Sabana Sultana
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Partha Sarathi Bhattacharyya,
Mr. Tanweer J. Mandal,
Mr. Raju Bhattacharyya.

...for the Petitioner.

Mr. Raja Saha,
Mr. Shamim Ul Bari

...for the State.

Mr. Kamalesh Bhattacharyay,
Md. Sarwar Jahan,
Mr. Sahan Shah,
Md. Samim Halder.

...for the Respondent Nos.9 & 10.

Affidavit-of-service filed in Court today be kept with the record.

The petitioner is the Pradhan of Kedar Chandrapur 2 Gram Panchayat. The petitioner is aggrieved by the inaction on the part of the Sub-Divisional Officer and the prescribed authority under Section 11(1)(d) of the West Bengal Panchayat Act, 1973 (hereinafter referred to as the 'said Act') in disposing of the application filed under Section 11(1)(d) of the said Act praying for removal of some of the members.

It is the contention of the petitioner that the said application has been pending for sometime. The prescribed authority has not taken any steps despite the application having been filed.

Mr. Saha, learned advocate appearing for the State raises an objection with regard to the maintainability of the writ petition and submits that the petitioner is confused as to who actually would be the prescribed authority to deal with the complaint.

Mr. Jahan, learned advocate appearing on behalf of the members submits that the date on which the two members were allegedly absent were the dates when the requisition was brought for removal of the Pradhan. Thus, the contention that the said two members were absent at a meeting on that day was incorrect.

Be that as it may, this Court is not required to decide the merits of maintainability of the application under Section 11(1)(d) of the said Act as the prescribed authority is empowered to do so. The Court is also of the opinion that the prescribed authority has not committed any inordinate delay in disposing of the said application. However, as an application has been filed by the Pradhan under Section 11(1)(d) of the said Act, the same shall be disposed of within eight weeks from date of communication of this order upon hearing all the interested parties. A reasoned order shall be passed and communicated to all concerned. While disposing of the same, the prescribed authority will also deal with the maintainability of the said application including adjudication as to whether the same has been filed in the prescribed form or not.

This Court has not gone into the merits of the claims and counter-claims of the parties.

Accordingly, the writ petition is disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)