

28.09.2021
Court No. 19
Item no.09
CP

WPA 15829 of 2021

Husnara Bibi & ors.
Vs.
The State of West Bengal & Ors.

(via video conference)

Mr. Anjan Bhattacharya
Ms. Anita Shaw

... for the Petitioners.

Mr. Raja Saha
Mrs. Rupsha Chakraborty

.....for the State.

Mr. Gangadhar Das

....for the respondent no. 5.

The writ petition has been filed by four requisitionists, who are before this court, alleging that the Sub-Divisional Officer, Malda Sadar had wrongly fixed September 28, 2021 3pm, for hearing the applications under Section 11(1)(d) of the West Bengal Panchayat Act, 1973, filed by the Pradhan. Prayer was made by the Pradhan for removal of the petitioners who are members of Nurpur Gram Panchayat. It is submitted that the prescribed authority issued notice under an erroneous provision of law, i.e., Section 11(1)(e), although the allegations are of not attending five consecutive meetings which fall under Section 11(1)(d). It is contended further that due to the mistake, the petitioners were

confused and could not file a comprehensive reply. It is further alleged that the copy of the complaint/application filed by the pradhan under Section 11(1)(d) had not been supplied to the petitioners. Thus the petitioners pray for an extension of time to file the additional documents and an additional written objection.

Mr. Das, learned advocate appearing on behalf of the pradhan, submits that it was a typographical error on the part of the Sub-Divisional Officer and the contents of the notice clearly indicated that the prayer for removal was on the ground of not attending consecutive five meetings.

Mr. Saha, learned advocate appearing on behalf of the State respondents, submits that the notice was corrected by a subsequent corrigendum and the mistake by the Sub-Divisional Officer was a typographical error and the petitioners cannot take advantage of the same by avoiding appearing before the Sub-Divisional Officer on the date and time fixed.

Having considered the rival contentions of the parties, this court is of the opinion that the copy of the applications of the Pradhan against the respective petitioners ought to have been supplied to them. Now they are in receipt of the same. Thus, in addition to the objection already filed by the petitioners before the Sub-Divisional Officer, this writ

petition shall be taken into consideration by the Sub-Divisional Officer as a further answer to the show cause issued under Section 11(1)(d) of the West Bengal Panchayat Act, 1973. In addition to the documents and the pleadings in the writ petition, further documents shall be allowed to be filed by the petitioners at the time of hearing and the Sub-Divisional Officer shall pass an order after considering all the submissions, documents and pleadings of the respective parties.

It is also stated that both the parties before the Sub-Divisional Officer shall be entitled to legal representation. The hearing shall be on the date and time fixed by the SDO that is, September 28, 2021 at 3 pm.

This writ petition is, thus, disposed of. There will be, however, no order as to costs.

Parties are directed to act on the communication of the learned advocates.

(Shampa Sarkar, J.)