

30.09.2021
Item No. 5
Crt.No.11
b.r.

MAT 1089 of 2021
with
IA No. CAN 1 of 2021

Satya Bhusan Mallik & Anr.
-vs-
The West State Bengal & Ors.

(Via video conference)

Mr. Srijib Chakraborty
Mr. Aditya Mondal
..... for the appellants.

Mr. Lalit Mohan Mahata
Mr. Rudranil De
..... for the State-respondents.

Mr. Chittaranjan Chakraborty
Mr. Dip Jyoti Chakraborty
..... for the respondent no.6.

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

Under challenge in this appeal is the order impugned of the Hon'ble Single Bench dated 27th of September, 2021 in the writ petition. The Hon'ble Single Bench, *inter alia*, was pleased to hold that the no-confidence meeting signed by the requisitionists/ the private respondents in this appeal shall be held. However, the Hon'ble Single Bench was also pleased to hold that since the issue of the alleged defection of a member from one political party to another is the subject of a pending application under Section 213A of the West Bengal Panchayat Act, 1973 (for short, the 1973 Act) before the

BDO/the Prescribed Authority, the result of the no-confidence meeting shall depend on the adjudication of the application under Section 213A (*supra*).

This Court is informed by the appellants that the application has been filed in correct format before the appropriate *PA/BDO* (the Block Development Officer) for disposal in terms of Section 213A (*supra*).

Having heard the parties and considering the materials placed, this Court finds no reason to intervene in the order of the Hon'ble Single Bench dated 27th of September, 2021, except to observe that the *PA* shall decide the application under Section 213A in accordance with law within the period prescribed by statute and, the no-confidence motion shall be subject to the ultimate decision in the S. 213A application.

MAT 1089 of 2021 along with **CAN 1 of 2021** stand accordingly **disposed of**.

In view of the discussion as above, affidavits are not necessary, neither are they invited. All other allegations are deemed to be denied and disputed.

Affidavit of Service filed in Court today be retained with the record.

All parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Kesang Doma Bhutia, J.)

(Subrata Talukdar, J.)