

S/L 14
01.10.2021
Court. No. 19
GB

WPA 16223 of 2021

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

(Through Video Conference)

Mr. Partha Sarathi Bhattacharyya,
Mr. Tanweer J. Mandal,
Ms. Somashree Dey,
Mr. Raju Bhattacharyya.

...for the Petitioner.

Md. Sarwar Jahan,
Mr. Sahan Shah,
Mr. S. Barman,
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 delay in disposal of the application under Section 11(1)(d) 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 has not disposed of the said application expeditiously and such delay has caused injustice to the petitioner. It is further submitted that the meeting for removal of the Pradhan has been fixed on October 4, 2021 and, as such, the application should be disposed of immediately.

Having considered that the meeting has been fixed pursuant to a requisition by the members and no one has challenged the notice or the requisition, the meeting must be held. The said process is separate and distinct from the proceeding under Section 11(1)(d) of the said Act. Thus, without interfering with the decision of the prescribed authority to hold the meeting for removal of the Pradhan, this writ petition is disposed of directing the authority to dispose of the application under Section 11(1)(d) of the said Act, expeditiously and in accordance with law, preferably within a period of 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.)