

30.12.2021
Item No.1.
Court No.17.
AB

W.P.A. 17498 of 2021

Dulal Sarkar

Vs

The State of West Bengal & Others

Mr. Tarunjyoti Tewari ...for the Petitioner.

Mr. Raja Saha,
Mr. Amit Kumar Ghosh,
Mr. Amit Lal Chatterjee ...for the State.

This writ petition has been preferred by the petitioner seeking direction upon the respondent no.3 to consider the applications dated October 26, 2021 filed by him against the private respondents.

Learned lawyer appearing for the petitioner submits that the respondent no.3 failed to dispose of the applications within the statutory period and as such, he be directed to dispose of those applications immediately.

Learned lawyer appearing for the State-respondents submits that the authority concerned be directed to consider the applications filed by the petitioner in accordance with law.

Learned lawyer for the State-respondents further submits that Section 213A of the West Bengal Panchayat Act, 1973 as well as Article 243F of the

Constitution of India are not applicable to the facts as brought by the petitioner.

It is alleged by the petitioner that the private respondents contested the election under the symbols of Bharatiya Janata Party. After they were declared elected, they switched over to another political party, namely, Trinamool Congress. For the disqualification of the private respondents, the petitioner made the applications to the respondent no.3 on October 26, 2021 under Article 243F of the Constitution of India read with Section 213A of the West Bengal Panchayat Act, 1973.

It is not in dispute that the applications/ representations dated October 26, 2021 have not yet been disposed of by the authority concerned.

Having heard learned lawyers appearing for the parties and on consideration of all aspects of the matter, I think that the authority concerned should be directed to consider the aforesaid applications and dispose of the same within a timeframe.

Accordingly, the respondent no.3 is directed to consider the applications dated October 26, 2021 filed by the petitioner against the private respondents in accordance with law and dispose of the same within four weeks from the date by a reasoned order.

Thus, the writ application is disposed of.

There will be no order as to costs.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Rabindranath Samanta, J.)