

S/l.17
29.11.2021
Court. No. 19
sn

WPA 17837 of 2021

Abhijit Mandal & Ors.
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Sarwar Jahan
Mr. Shahan Shah ... *for the Petitioners.*

Mr. Raja Saha
Mr. Somenath Ghosh ..*for the State*

Mr. Sakya Sen
Mr. Sunil Kr. Gupta
Mr. D. Biswas ..*for the respondent no.7*

This is an application filed by some of the members of the Gram Panchayat for a direction upon the prescribed authority to convene a meeting for election of new Pradhan under Kedar Chandpur-2 Gram Panchayat in terms of Rule 6 of the West Bengal Panchayat (Constitutional) Rules, 1975 (hereinafter referred to as the said rules).

It appears that the prescribed authority had already fixed the date for election of a new Pradhan. The said decision was stayed by this Court pursuant to filing of the writ petition being WPA 17382 of 2021. Ultimately, the said meeting was cancelled.

Prayer is made by the members of the Gram Panchayat that under the circumstances as there is no

Pradhan functioning, the meeting for the election of the new Pradhan should be held, otherwise the administration of the Gram Panchayat shall come to a stalemate condition.

Mr. Saha, learned advocate for the prescribed authority submits that the prescribed authority does not have any objection in holding the meeting as per law. In view of the order passed in WPA 17382 of 2021 and the reasons assigned therein, this Court is of the view that the election of the new Pradhan shall be held in accordance with Rule 6 of the said Rules.

The District Panchayat Election Officer is directed to extend the time in terms of the said rules as the period of 30 days for holding the election of the new Pradhan could not be adhered to in view of the order passed by the Hon'ble High Court in WPA 17382 of 2021.

The election of the new Pradhan will be subject to the decision passed by this Court in WPA 17382 of 2021.

It is made clear that steps should be taken immediately for election of the new Pradhan upon extension of time in view of the resignation of the Pradhan and the crisis which has cropped up in the gram panchayat.

This writ petition is disposed of.

There will be however no order as to costs.

Parties are directed to act on the server copy of this order.

(Shampa Sarkar, J.)