

S/L 4
18.11.2021
Court. No. 19
sn

WPA 18168 of 2021

Pranab Das
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Srijib Chakraborty
Ms. Cardina Roy ... *for the Petitioner.*

Mr. Raja Saha
Mr. Shamim Ul Bari ... *for the State.*

The petitioner is aggrieved because the prescribed authority has not proceeded further with the requisitions brought on October 8, 2021 for separately for removal of the Pradhan and Upapradhan of Mahananda Gram Panchayat, District Malda.

Mr. Chakraborty, learned advocate for one of the requisitionists submits that the prescribed authority called the requisitionists to satisfy the authorities about compliances under Section 12(2) of the West Bengal Panchayat Act, 1973. According to Mr. Chakraborty, the prescribed authority acted beyond the statutory period in order to frustrate the attempts of the requisitionists to remove the Pradhan and Upapradhan. Such action of the prescribed authority, it is alleged, curtailed the democratic rights of the petitioner. Mr. Saha, learned advocate for the prescribed authority has submitted an order issued by

the prescribed authority dated November 9, 2021, from which it appears that the prescribed authority has come to a specific finding that compliances under Section 12(2) of the West Bengal Panchayat Act, 1973 were not satisfactory and as such, the said requisition/motion could not be accepted. Reference is made to the decision of Gopal Kumar Vs. The State of West Bengal & Ors. reported in 2015(1)CHN Cal (WP 24555(W) of 2014. This Court held that the provisions of Section 12(2) of the said Act, 1973, provide for mandatory compliances which are binding and the check list has to be verified by the prescribed authority. Unless those conditions are satisfied, the meeting cannot be convened.

Thus, I do not find any reason to interfere in this proceeding,

The petitioner as also the other members are always at liberty to bring a fresh requisition as per the provisions of Section 12(2) of the West Bengal Panchayat Act, 1973 and if such requisition is brought the prescribed authority will satisfy himself about the compliances as required by law and proceed in terms of Section 12(3), 12(4) and onwards to reach the said requisition to its logical conclusion as per law. The time period prescribed under the statute for each and every step shall be adhered to strictly by the

prescribed authority. Section 12(11) of the said Act shall not be applicable.

This writ petition is disposed of.

There will be, however, no order as to costs.

All the parties are directed to act on the learned advocate's communication.

(Shampa Sarkar, J.)