

15.
23-11-2021
debajyoti

MAT 1250 of 2021
with
IA No.CAN/1/2021

Dilip Kumar Mondal
Vs.
State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
... For the Appellant.

Mr. Lalit Mohan Mahata,
Mr. Rudranil De
... For the State.

Mr. Srijib Chakraborty
... For Respondent no.7.

Mr. Md. Salahuddin,
Mr. Md. A. Zaman
... For Respondent nos.9 to 15.

The appellant undertakes to rectify the defect in the memorandum of appeal, as pointed out by Stamp Reporter on November 22, 2021. By consent of the parties, the appeal is taken up by treating the same as on the day's list.

This is an appeal against an order dated November 18, 2021 whereby the learned Single Judge disposed of WPA 18209 of 2021 by making certain observations. The relevant portion of the impugned order reads as follows:

“ The only grievance of the petitioner in the writ petition is that the petitioner's signature which appeared in the requisition was forcefully obtained. The petitioner is always at liberty not to cast his vote at the meeting.

With regard to the allegation of application of force, the petitioner is at liberty to approach the police authorities against such persons who have intimidated him and made him sign on the requisition. No such complaint was lodged.

The prescribed authority shall consider the grievance of the petitioner with regard to the affairs of the gram panchayat as raised in the objections filed before the said authority, in accordance with law.

No further order need be passed as the grievance of the petitioner vis-à-vis the meeting will be taken care of if the petitioner does not go to the venue or refrains from casting his vote. The petitioner is also at liberty to cast his vote against the motion. ”

The writ petitioner/appellant submits that the meeting is scheduled to be held today at 12 mid-day. However, the statutory period prescribed in Sections 12(3) and (4) of the West Bengal Panchayat Act, 1973 has expired. No meeting can be held beyond fifteen working days from the receipt of the proposed motion by the prescribed authority. The prescribed authority had received the motion on 18 September, 2021. Much more than fifteen working days have elapsed since then. The meeting should be stopped.

Learned counsel for the State produces copy of a fresh requisition received by the prescribed authority on November 02, 2021 signed by amongst others, the respondent nos.9 to 15. The writ petitioner/appellant is not a signatory to the said notice. However, that is irrelevant. The statutory requirement of at least three members or one-third of the total number of members is satisfied. Pursuant to such requisition, meeting has been fixed at 12 noon today. We see no reason to interfere with the meeting.

The respondent no.7, represented by Mr. Srijib Chakraborty, learned advocate, submits

that he has not received any requisition which is alleged to have been received by the prescribed authority on November 02, 2021. He says that he should be granted liberty to challenge the entire process.

He would be at liberty to do so if he is so entitled in accordance with law.

The learned Single Judge has given liberty to the writ petitioner to approach the police authorities with his complaint that his signature was obtained by force. The learned Judge has also observed that the writ petitioner would be at liberty not to cast his vote at the meeting. The prescribed authority has been directed to consider the grievance of the writ petitioner with regard to the affairs of the Gram Panchayat as raised in the objection filed before it. We do not see how the writ petitioner can have any further grievance. We are not inclined to interfere with the democratic process of holding the meeting.

In view of the aforesaid, the appeal and the stay application stand dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Kausik Chanda, J.) (Arijit Banerjee, J.)