

D/L
Item No. 34
24.12.2021
KOLE

**MAT 1322 of 2021
With
IA No. CAN 1 of 2021**

**Rajib Daga
-Vs.-
The State of West Bengal & Ors.**

*Mr. A. Banerjee,
Mr. A. Saha*

...for the appellant.

*Mr. Lalit Mohan Mahata,
Mr. B. B. Mahata,*

...for the State.

*Mr. S. Datta,
Mr. D. Sarkar,*

...for the respondent nos. 4 to 10.

*Mr. A. Bhattacharya,
Mr. A. Shaw,*

...for the respondent no. 11.

By consent of the parties the appeal and the application are taken up for hearing together.

The appellant is the Pradhan of the relevant Panchayat. Requisite number of members of the Panchayat made requisitions dated November 18, 2021 and November 29, 2021 for removal of the Pradhan. With the grievance that the requisitions were not being given effect to by the Block Development Officer, the writ petitioners approached the learned Single Judge. The Pradhan approached the learned Single Judge with another writ petition challenging the requisitions on the ground that the same cast aspersions on the Pradhan's character.

The writ petitions were heard together by the learned Single Judge. The requisitions were set aside in the writ application filed by the requisitionists and they were granted liberty to make fresh requisitions. We are told that pursuant to such fresh requisition, a meeting has been fixed on December 27, 2021.

The only grievance of the Pradhan in this appeal is that an observation has been made towards the end of the order impugned to the effect that if the Pradhan tries to evade service of the requisition then the requisitionists shall be entitled to serve the same in his office through his secretary or assistant and if, such service is not accepted, then the requisitionists will be entitled to affix the same at the office of the Pradhan in addition to serving the same by the modes prescribed by the statute. The Pradhan says that there is no question of he evading service. He has accepted service and he is prepared to face the meeting.

We have heard learned Counsel for the parties. We are sure that the appellant who holds an elected office will wholly cooperate in the conduct of the democratic process, which has been initiated by way of a fresh requisition notice. We make it clear that no portion of the order under appeal will be considered to be casting any kind of aspersion on the character of the Pradhan.

The appeal, being no. MAT 1322 of 2021 and the stay application, being no. CAN 1 of 2021 are accordingly disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Arijit Banerjee, J.)

(Kausik Chanda, J.)