

16.2.2022
Ct. No.19
Sl.no.8

W.P.A. No. 2683 of 2022

Pali Paul

The State of West Bengal & Ors.

Mr. Debashis Banerjee

Mr. Subrata Saha

Mr. A. Biswas

....for the petitioner

Mr. L.M. Mahata

Mr. P.B. Mahata

..for the State

The Pradhan of No.1 Bolla Gram Panchayat has challenged the requisition on the ground that although the signatories of the said requisition mentioned themselves to be the majority members of the said Gram Panchayat, who wanted to remove the Pradhan on the ground of lack of confidence, they were not the majority.

The petitioner contends that the prescribed authority could not have acted upon the requisition dated February 3, 2021 and the notice convening the meeting for removal of the Pradhan dated February 8, 2022 ought to be set aside. Prayer is made that the meeting scheduled to be held on February 17, 2022, set aside by this Court on the ground of misstatement of the requisitionists.

Mr. Banerjee, learned advocate for the petitioner submits that 7 out of 19 members have brought the requisition. They were not the majority and as such, the requisition was brought in violation of the provisions of law.

Section 12(1) of the West Bengal Panchayat Act, 1973(hereinafter referred to as the said Act) provides that the majority members can remove the Pradhan on the ground of lack of confidence by bringing a motion expressing their willingness to do so.

Section 12(2) of the said Act provides that the motion shall be signed by 1/3 of the members but not less than three members. In this case, seven members have brought the motion. The requirement of Section 12(2) of the said Act is satisfied. As there are no further challenges to the requisition and the notice convening the meeting, the writ petition is not entertained. Removal ought to be by the majority but the requisition need not be by the majority.

This writ petition is dismissed.

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

The meeting shall be held as per schedule

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

Parties are to act on the learned advocate's communication.

(Shampa Sarkar, J.)