

05. 24.02.2022
Ct. No.06
Tanmoy

**M.A.T. 209 of 2022
With
IA No: C.A.N. 1 of 2022**

**Jyostna Patra & Anr.
-Versus-
The State of West Bengal & Ors.
(Through Video Conference)**

Mr. Partha Sarathi Bhattacharyya, Adv.,
Mr. Mahim Sashmal, Adv.,
Mr. Raju Bhattacharyya, Adv.

...for the appellants.

Mr. Debabrata Saha Roy, Adv.,
Mr. Debashis Banerjee, Adv.,
Mr. Shubhankar Das, Adv.,
Mr. Supreem Naskar, Adv.

...for the respondent nos. 4 to 13.

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

In this appeal, the appellant no.1 who is the *Pradhan* of the relevant *Gram Panchayat*, and the appellant no.2 who was one of the alleged signatories to a requisition aimed at removing the said *Pradhan*, challenge an order dated February 15, 2022, passed by the learned Single Judge.

The requisition for removal of the *Pradhan* of the concerned *Gram Panchayat* was set aside by the learned Single Judge, *inter alia*, on the ground that the same was stigmatic.

The learned Single Judge, however, granted liberty to the requisitionists to take steps for removal of the *Pradhan* in terms of Section 12 of the West Bengal Panchayat Act, 1973 (hereinafter to be referred to as the 'said Act').

It has been submitted by the appellants before us that the learned Single Judge was not justified in granting such liberty for taking steps for removal of the *Pradhan*. It has been further brought to the notice of this Court that another meeting has been fixed by the Prescribed Authority on February 28, 2022, for removal of the *Pradhan*.

We are not convinced with the argument advanced by the appellants that the learned Judge was not justified in granting liberty to the requisitionists to proceed afresh in terms of Section 12 of the said Act for removal of the *Pradhan*. The learned Judge, in the order impugned, has rightly held that the local bodies like *Panchayats* should run on democratic principles and it is the democratic right of the requisitionists to seek removal of their leader who has lost their confidence.

In the facts of the present case, there is no bar in law to bring a fresh requisition. No interference is called for with the order of the learned Single Judge.

We, however, make it clear that dismissal of this appeal will not prevent the appellants from

challenging the notice dated February 18, 2022 convening a fresh meeting on February 28, 2022, issued by the Prescribed Authority, if they are so entitled in law.

Affidavits not having been called for, the allegations in the stay petition shall be deemed not to have been admitted by the respondents. The appeal being M.A.T. 209 of 2022 and the connected application being IA No: C.A.N. 1 of 2022 are dismissed.

Let urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)