

D/L
Item Nos.
5 & 6 wt 9.
01.04.2022
KOLE

MAT 361 of 2022
With
IA No. CAN 1 of 2022

The Pradhan, Rajapur Karabeg Gram Panchayat
-Vs.-
The State of West Bengal & Ors.

with

MAT 396 of 2022
With
IA No. CAN 1 of 2022
With
IA No. CAN 2 of 2022

The Pradhan, Rajapur Karabeg Gram Panchayat
-Vs.-
The State of West Bengal & Ors.

with

MAT 468 of 2022
With
IA No. CAN 1 of 2022

Tanuja Begum Laskar
-Vs.-
The State of West Bengal & Ors.

Mr. Bijoy Adhikari,
Mr. A. K. Maity,
Mr. A. Pyne,
Mr. N. G. Chakraborty,
Mr. P. Sardar,
Mr. U. Jana,
Mr. R. Raj Mohanty,
Ms. Susmita Adhikary,
Ms. M. Chakraborty,
Ms. D. Dey

...for the appellant.

Mr. L. Mohan Mahato,
Mr. B. Basu Mallick,

...for the State in MAT 361 of 2022.

Mr. L. M. Mahato,
Mr. S. P. Lahiri,

...for the State in MAT 396 of 2022.

*Mr. L. M. Mahato,
Mr. R. Sahu,
Mrs. T. Chanda,*

...for the State in MAT 468 of 2022.

*Mr. S. Basu, Sr. Adv.
Mr. S. Ghosh,
Mr. M. Majumdar,*

...for the respondent nos. 7 to 15.

In Re: CAN 1 of 2022 in MAT 396 of 2022

This is an application for condonation of delay of 37 days in filing the appeal. Causes shown being sufficient, the delay is condoned.

CAN No. 1 of 2022 is accordingly disposed of.

In Re: MAT 361 of 2022 with CAN 1 of 2022 and MAT 396 of 2022 with CAN 2 of 2022

By consent of the parties the appeals and the applications are taken up for hearing together.

MAT 396 of 2022 is an appeal filed by the Pradhan of the concerned Panchayat against an order dated January 10, 2022 passed in WPA 171 of 2022, whereby the learned Single Judge directed the Prescribed Authority to convene a meeting in terms of Section 12(3) of the 1973 Act pursuant to the notice of the writ petitioners for moving a motion of non-confidence and/or removal of the Pradhan. That order was passed in the absence of the Pradhan.

Coming to know of the said order, the Pradhan applied for recalling of the order. The recalling application

was dismissed by the Learned Single Judge by an order dated March 1, 2022.

The Pradhan has preferred MAT 396 of 2022 against the parent order dated January 10, 2022 and MAT 361 of 2022 is an appeal against the order dated March 1, 2022 whereby the recalling application was dismissed.

On March 3, 2022, a fresh requisition was made by the members of the concerned Panchayat for removal of the Pradhan. The notice of meeting was issued on March 7, 2022. The notice was carried to its logical conclusion. The meeting was held. The Pradhan was removed. The Pradhan challenged the notice by filing WPA 4584 of 2022. The said application has been dismissed by a judgment and order dated March 29, 2022. The learned Judge while refusing to set aside the motion dated March 3, 2022 or the notice issued on March 7, 2022, or the resolution for removal of the Pradhan, observed that all such actions shall be subject to the final decision in MAT 361 of 2022.

Since the removal of the Pradhan has taken place pursuant to a fresh requisition dated March 3, 2022, the earlier two appeals being MAT 361 of 2022 and MAT 396 of 2022, in our opinion, have become irrelevant. It is MAT 468 of 2022 which arises from the learned Judge's judgment and order dated March 29, 2022, which will decide the fate of the Pradhan.

MAT No. 361 of 2022 and MAT No. 396 of 2022 and the connected applications thereto are, accordingly, disposed of.

In Re: MAT 468 of 2022 with CAN 1 of 2022

Let MAT 468 of 2022 along with the connected application be listed for hearing on 05.04.2022 at 02.00 p.m.. The appellant contends that the appellant did not have seven day's notice of the motion for her removal. On March 11, 2022 at 5.38 p.m., she received the notice. The meeting was held on March 14, 2022, whereat resolution for her removal was taken. This is strongly disputed by learned Advocates appearing for the requisitionists as also the State.

We understand that the original records of the case are lying in the Court of the Learned Single Judge. Let such records be produced before us on the next date.

Any action taken regarding handing over charge to the new Pradhan shall abide by the result of this appeal being No. MAT 468 of 2022. Any action taken by the respondents during the pendency of this appeal shall not create any equity in favour of anybody.

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.)