

06.04.2022
Item No.18
Court No.6.
AB (k)

**M.A.T. 460 of 2022
With
I A CAN 1 of 2022**

**Smt. Samala Rajak
Vs
The State of West Bengal & Others**

Mr. Chitta Ranjan Chakraborty,
Mr. Kashiswar Ghosal ...for the Appellant.

Mr. Lalit Mohan Mahata,
Mr. Supratim Dhar ...for the State.

Mr. Monoranjana Mahata
....for the Respondent No. 6.

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

In the writ petition, a prayer was made for a direction upon the respondent no.4 in the writ petition, the relevant Block Development Officer, to convene a meeting for the election of the Pradhan of Mankiary Gram Panchayat, and also to arrange for the election of the Pradhan of the said Panchayat, which was reserved for Scheduled Caste candidate.

In the said writ petition, an interim order was prayed for injuncting the respondents, particularly respondent no.6, being the Upa-Pradhan from taking any policy decision and not to make any capital expenditure till the election of the Pradhan of Mankiary Gram Panchayat is over.

The learned Single Judge declined to grant any interim order in view of the judgment reported at **(2010) 2 WBLR (Cal) 201 (Prahbati Sarkar v. State of West Bengal)**. The learned Single Judge has observed that the appellant/writ petitioner is the sole Scheduled Caste candidate of the relevant Panchayat, who was removed. She herself proposed her name for being elected but the election was not held because none had proposed her name.

In view of the observations made in **Prahbati Sarkar (supra)**, the learned Judge gave directions for filing of affidavits. Liberty was given to the parties to mention the matter after the completion of affidavits.

This appeal has been preferred against the refusal of the learned Single Judge to pass an interim order.

We are of the view that the nature of interim order as mentioned above could not have been granted by the learned Single Judge since an interim order is passed only in aid of the final relief.

We are also of the view that if such interim order is passed that would unnecessarily stand in the way of smooth functioning of the Panchayat.

The respondents will file their affidavit within April 24, 2022, before the learned Single Judge. The appellant/writ petitioner will be at liberty to file her reply within two weeks thereafter. The parties will be

at liberty to mention the matter before the learned Single Judge for early hearing.

Since we have not called for affidavits, the allegations in the application are deemed not to be admitted by the respondents.

MAT No.460 of 2022 stands disposed of along with IA CAN 1 of 2022.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)