

26.09.2022
Item No.2.
Court No.6.
AB

**F.M.A. 496 of 2021
With
IA CAN 1 of 2022**

**Narendra Nath Tiwari
Vs
State of West Bengal & Others**

Mr. Sayan Chattopadhyay,
Mr. Santanu Majhifor the Appellant.

Mr. Sirsanya Bandopadhyay,
Mr. A. K. Nagfor the State.

Affidavit of Service filed in Court today be kept
with the records.

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

This appeal is directed against a Judgment and
Order dated February 28, 2020, whereby the
appellant's writ petition being W. P. No.1775 (W) of
2020 was dismissed. The reasons for dismissal are
indicated in an earlier order dated February 20, 2020,
recorded by the learned Single Judge.

The appellant raised his grievance as regards
reservation of seats in connection with the Municipal
Election of 2015 for English Bazar Municipality. The
appellant says that the seats that were required to be
reserved for women for the said election were for Ward
nos. 1, 4, 7, 10, 13, 16, 19, 22, 25 and 28 and not 2,
5, 8, 11, 16, 19, 23, 26 and 29. He further raises a
grievance regarding the census.

It is not in dispute that the appellant was a Councillor in Ward No.22 from 2015 to 2020. His own case is that Ward No.22 should have been reserved for women. Hence, he was a beneficiary and enjoyed the fruits of illegality, if any. Having enjoyed his full tenure as Councillor of a Ward, which according to him should have been reserved for women, he suddenly woke up and approached the learned Single Judge pointing out various alleged irregularities in respect of the 2015 Municipal Election and the Election scheduled to be held in 2020, which was ultimately held in 2022. The conduct of the appellant does not indicate that this is a bona fide writ petition. We are in agreement with the learned Single Judge that the Court shall not consider alleged irregularities, of which the appellant/writ petitioner was a beneficiary and which have become stale.

The appeal being F.M.A. 496 of 2021 and the connected application being IA CAN 1 of 2022 are, accordingly, dismissed with costs assessed at Rs.5,000/- to be paid to the West Bengal State Legal Services Authority within four weeks from date.

The Registry shall communicate this order to the Member Secretary of the West Bengal State Legal Services Authority, who shall be at liberty to mention the matter before us, incase the appellant fails to pay the costs within the time period indicated above.

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

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)