

27.06.2022
Item No.10
Court No.6.
AB

**M.A.T. 747 of 2022
With
I A CAN 2 of 2022**

**Sinara Bibi @ Sina Bibi
Vs
The State of West Bengal & Others**

Mr. Biswaroop Biswas,
Mr. Probal Sarkar,
Ms. Sk. Kiran ...for the Appellant.

Mr. Moloy Krishna De,
Ms. Rupsa Chakraborty....for the State.

Mr. Sanjay Saha....for the Respondent Nos.8-10.

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 March 30, 2022, whereby WPA No.5283 of 2022 was disposed of.

The writ petitioner/appellant had approached the learned Single Judge challenging a requisition notice dated March 14, 2022, for removal of the writ petitioner as Pradhan of Lochanpur Gram Panchayet in Murshidabad and the notice dated March 21, 2022 which was issued by the Prescribed Authority convening a meeting for the members, for considering the motion. The ground of challenge was that the requisition notice was stigmatic inasmuch as it mentioned that the requisitionists had lost confidence

in the writ petitioner as Pradhan due to her incompetence. The learned Judge allowed the writ application and quashed the requisition dated March 14, 2022 as also the notice dated March 21, 2022, issued by the Prescribed Authority. However, the learned Judge proceeded to grant liberty to bring a fresh requisition as per Section 12(2) of the West Bengal Panchayet Act, 1973 and clarified that if such requisition is brought, the Prescribed Authority shall act and proceed in terms of the provisions of Sections 12(3) and 12(4) onwards of the 1973 Act.

The writ petitioner has preferred this appeal contending that the learned Judge ought not to have granted liberty to the requisitionists to bring a fresh requisition. We find absolutely no merit in such contention of the appellant. The Statute gives the requisitionists a right to bring a fresh requisition. The learned Judge has granted nothing extra.

Mr. Biswas, learned Advocate appearing for the appellant says that a fresh requisition notice was submitted and meeting was held wherein the appellant was removed as Pradhan by a majority. However, there are serious irregularities in the entire process, which was initiated by the requisitionists by way of the fresh requisition. There are contraventions of law. We are unable to entertain such complaints in this proceeding as they are outside the scope of the present appeal. If the appellant is aggrieved by the process of her

removal as Pradhan initiated by the fresh requisition dated April 6, 2022, she would be at liberty to challenge such process in accordance with law before the appropriate forum.

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

MAT No.747 of 2022 stands dismissed along with IA CAN 2 of 2022.

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

(Rai Chattopadhyay, J.)

(Arijit Banerjee, J.)