

17.11.2022
Sl. No.50(DL)
srm

CPAN 483 of 2022
In
W.P.A. No. 20670 of 2011
Biswajit Mondal & Ors.
Versus
Mr. Naziruddin Sarkar

Mr. Amit Das Gupta,
Ms. Munmun Dalapati,
Mr. Sayan Mitra

...for the Petitioners.

Mr. Lalit Mohan Mahata,
Ms. Sanghamitra Nandi

...for the Alleged Contemnor.

The petitioner alleges that the prescribed authority deliberately failed and neglected to comply with the order passed by this Court on February 8, 2022.

On November 17, 2021, the petitioner had brought a requisition for removal of the Pradhan and Upa-Pradhan of Banupur-II Gram Panchayat, District-Howrah. No steps were taken by the prescribed authority. Hence, a writ petition was filed. The Court found that the foundation of the requisition/motion for removal of the Pradhan and Upa-Pradhan were allegations of autocracy, nepotism, dishonesty, etc. This Court was of the view that 'no confidence' motion to remove the Pradhan and Upa-Pradhan could not be brought

on the allegations which were stigmatic. Accordingly, the requisition dated November 17, 2021 was set aside granting liberty to the requisitionists to bring a fresh requisition in accordance with law upon compliance of necessary provisions of Section 12 of the West Bengal Panchayat Act, 1973. The prescribed authority was directed to take necessary steps in terms of Sections 12(2), 12(4) and 12(10) of the West Bengal Panchayat Act, 1973.

This contempt application has been filed on the ground that despite liberty granted by the Court on February 8, 2022, the requisition, which was brought on February 11, 2022 was not acted upon. Hence the petitioners pray before this Court that necessary contempt Rule be issued and contempt proceedings be initiated against the prescribed authority/alleged contemnor.

Mr. Mahata, learned Additional Government Pleader, appearing on behalf of the alleged contemnor, draws the attention of the Court to page 58 of the contempt application and submits that the second requisition was equally stigmatic and was a verbatim reflection of the earlier allegations, which were made in the first requisition and which had been set aside by this Court. Hence, according to Mr. Mahata, the prescribed authority did not think it fit and proper to take

steps. It is further submitted that the proof of compliance of Section 12(2) of the West Bengal Panchayat Act, 1973 was not placed before the prescribed authority.

I do not find any wilful and deliberate violation of the order of this Court as the consistent view of the Court is that a stigmatic requisition could not be acted upon.

The contempt application is disposed of. Contempt proceedings are dropped.

(Shampa Sarkar, J.)