

Sl. No.2
30.06.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 10171 of 2022

Rafikul Islam Sekh & Ors.
Versus
The State of West Bengal & Ors.

Mr. Usof Ali Dewan
Mr. Sarwar Jahan
Mr. Amanul Islam

... for the petitioners

Mr. Lalit Mohan Mahata, AGP
Mr. Rudranil De

... for the State

Mr. Atis Kumar Biswas
Mr. Amit Singh
Ms. Jyoti Agarwal

... for the respondent nos.8 to 15

The petitioners are aggrieved by the inaction on the part of the Prescribed Authority to take steps pursuant to the requisition notice submitted before the said authority seeking removal of the Prodhan of the Pipragachi Gram Panchayat.

The notice of motion of no confidence was served upon the Prescribed Authority on 19th May, 2022. The authority ought to have acted within five working days on receipt of the said notice. The same has not been done.

The petitioners seek leave to file fresh requisition notice.

The petitioners are apprehensive that the bar as in Section 12(11) of the West Bengal Panchayat Act, 1973 may be attracted.

In the facts and circumstances of the present case, it appears that the Prescribed Authority ought to have acted in accordance with provisions of Section 12 (3) read with Section 12 (10) of the Act of 1973. The bar will not be applicable in the present case, as that stage has not yet arisen.

Accordingly, it will be open for the requisitionists to bring fresh requisition, if occasion so arises. The Prescribed Authority shall act in accordance with the provision of the Act on receipt of the notice of requisition.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)