

Sl. No.8
14.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 14655 of 2022

Lakshmi Narayan Das
Versus
State of West Bengal & Ors.

Mr. Nilanjan Bhattacharjee
Mr. Arpan Guha
Mr. Abhilash Chatterjee
... for the petitioner

Mr. Raja Saha
Mr. Supratim Dhar
... for the State

Mr. Abhishek Halder
Mr. Swadesh Misra
... for the respondent nos.5 to 16

Mr. Mritunjoy Chatterjee
Mr. Amanul Islam
Mr. Sourav Mukherjee
... for the private respondent nos.11, 12, 15 to 24

Learned advocate representing the private respondent nos.11, 12, 15 to 24 has filed his Vakalatnama in the department being filing No.A-12884 dated 14.07.2022.

The department is directed to tag the Vakalatnama with the records of the present case.

The petitioner and the private respondents are elected members of Domjur Gram Panchayat. The petitioner is the Pradhan of the said Gram Panchayat.

A notice of requisition was submitted by the requisitionists for removal of the Pradhan on 3rd June, 2022. The meeting of no confidence/removal of the Pradhan was fixed on 22nd June, 2022 but due to non-availability of the police force the meeting stood deferred. It was re-fixed on 7th July, 2022 but was again deferred on account of non-availability of police force on account of ensuing Ratha Yatra and the Bakri Id festival. The same was re-scheduled on 14th July, 2022.

The petitioner is aggrieved by the same.

It has been submitted that 30 days' is the statutory time period within which the entire proceeding ought to be concluded. The prescribed authority could not have stretched the period of 30 days beyond the time prescribed in law.

Learned advocate representing the State respondents submits that as per the conditions of the West Bengal Panchayat Act, 1973, the meeting for removal of Pradhan may be adjourned for reasons beyond control of the prescribed authority.

It appear from the documents annexed to the writ petition that the meeting though initially fixed within the prescribed time period had to be re-scheduled on two occasions due to non-availability of police force. The same can very well be considered to be as reason beyond control of the prescribed authority.

Accordingly, there is no need for interference with the meeting which has already been held today at 1 PM.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)