

Item No. 9

12.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 17524 of 2022

Masadul Shaikh
v.
The State of West Bengal & Ors.

Mr. Sarwar Jahan
Mr. Amanul Islam
Mr. Sourav Mukherjee
... for the petitioner.

Mr. Shahan Shah
... for the respondent no. 8.

Mr. Himadri Sikhar Chakraborty
Mr. Susnita Saha
... for the State respondents.

The petitioner claims to be the Pradhan of the
Dhoradaha-II Gram Panchayat under Karimpur-II
Development Block, District-Nadia.

The Pradhan has made a representation before the
Sub-Divisional Officer, Tehatta, Nadia on July 18, 2022
with a request to initiate proceeding under Section
11(1)(d) of the West Bengal Panchayat Act, 1973 for
removal of Habib Biswas, respondent no. 8 and elected
member of the Gram Panchayat on the ground that the
above named member of the aforesaid Gram Panchayat
was absent in more than seven consecutive meetings of
the Gram Panchayat without the leave of the Gram
Panchayat.

The petitioner alleges that the representation dated July 18, 2022 has not been acted upon by the Sub-Divisional Officer till date.

As it appears that the application filed by the petitioner is pending consideration before the Sub-Divisional Officer, Tehatta, Nadia, accordingly, the instant writ petition is disposed of by directing the respondent no. 6 being the prescribed authority and the Sub-Divisional Officer, Tehatta, Nadia to consider and dispose of the representation filed before the said authority on July 18, 2022 strictly in accordance with law after giving reasonable opportunity of hearing to the petitioner and the respondent no. 8 and all other necessary parties at the earliest, but positively within a period of four weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

The respondent no. 8 shall be supplied with all the documents relied upon for taking a decision with regard to the removal of his membership.

The writ petition stands disposed of.

Leave granted to the learned advocate representing the respondent no. 8 to file the Vakalatnama in the department by August 16, 2022.

Affidavit-of-service filed in Court today is taken on record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

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(Amrita Sinha, J.)