

20.09.2022
Court No. 19
Item no.01
CP

W.P.A. No. 19329 of 2022

Kimkim Begum

Vs.

The State of West Bengal & Ors.

Mr. Robiul Islam
Sk. Jayed Hossain
Mr. Raju Mondal

.....for the petitioner.

Mr. Golam Mastafa
Mr. Subir Sabud
Mr. Samirul Sardar

....for the respondent no. 7.

Mr. Tanweer J. Mandal
Mr. Nobiul Islam

...for the respondent nos. 8 & 9.

Mr. Rajarshi Basu
Sk. Md. Masud

....for the State.

The petitioner is the pradhan of Sarangpur Gram Panchayat. The petitioner submits that the Sub-Divisional Officer, Domkal Sub Division, Murshidabad, had failed and neglected to dispose of the application filed under Section 11(1)(d) of the West Bengal Panchayat Act, 1973. There are allegations that the members who were sought to be removed, did not attend five consecutive meetings.

The learned advocates for those members and the respondent Nos. 7, 8 and 9 submit that the allegations were factually incorrect. It is submitted

that the notices of the alleged meetings, were not served upon the members.

Mr. Basu, learned advocate appearing for the prescribed authority, submits that as a preliminary enquiry was going on with regard to certain issues, the authority did not proceed with the application.

This court is not required to go into the correctness of the allegations made by the petitioner. Once the provisions of Section 11(1)(d) of the West Bengal Panchayat Act, 1973 have been invoked, and an application has been filed before the prescribed authority, the same must be disposed of in accordance with law. The prescribed authority was required to discharge his duties under the law.

The writ petition is disposed of with a direction upon the Sub-Divisional Officer, Domkal Sub Division, Murshidabad, to proceed with the application in accordance with law, upon affording an opportunity of hearing to all the interested parties as also to the concerned pradhan and the Block Development Officer. All parties must be allowed to make their submissions and produce relevant documents and papers in support of their respective contentions.

A reasoned order shall be passed and communicated to the parties.

The entire exercise shall be completed within a period of six weeks from the date of communication of the order.

All factual issues are to be decided by the prescribed authority. The instructions filed by Mr. Basu is kept on record.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)