

Item No. 8

29.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 19492 of 2022
Priyabrata Ghosh & Ors.
v.
The State of West Bengal & Ors.
with
WPA 15584 of 2022

Mr. Bikash Ranjan Bhattacharya Sr. Adv.
Mr. Partha Sarathi Das
... for the petitioners.

Mr. Raja Saha
Mr. S.P. Lahiri
... for the State.

Mr. Pratip Kumar Chatterjee
... for the respondent no. 4.

The petitioners filed a requisition notice before the prescribed authority seeking removal of the Pradhan. The initial notice for removal was given on June 6, 2022. The same was not acted upon by the prescribed authority within the statutory time period and accordingly, the same became infructuous.

A second requisition notice was issued on August 12, 2022. On this occasion also, the prescribed authority failed to act within the stipulated time period.

The petitioners filed repeated requisitioning notices for removal of the Pradhan but the prescribed authority is simply sitting tight over the matter.

The petitioners pray for a mandate upon the prescribed authority to act in accordance with law.

It appears from the documents annexed to the writ petition that the prescribed authority, for the reasons best known to him, is not taking any steps pursuant to the requisition notice filed by the requisitionists.

The West Bengal Panchayat Act, 1973 prescribes a time frame within which action is to be taken. It is the bounden duty of the prescribed authority to act in accordance with law.

The earlier writ petition filed by the petitioners being WPA 15584 of 2022 challenging the inaction on the part of the prescribed authority to take steps in response to the earlier requisition notice, is pending disposal before this Court.

Accordingly, both the writ petitions being WPA 15584 of 2022 and the present writ petition being WPA 19492 of 2022 are disposed of by directing the prescribed authority to act strictly in accordance with the provisions of law relating to removal of Pradhan without wasting any time after receipt of the requisition notice.

The requisitionists will be at liberty to bring in fresh requisition, if any, in accordance with law. If the same is filed, the prescribed authority shall act on the

basis of the same within the stipulated time period, without any unnecessary delay.

Both the writ petitions stand disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)