

D/L
Item No. 7
24.11.2022
KOLE

**MAT 1672 of 2022
With
IA No. CAN 1 of 2022**

**Gouranga Sahu
-Vs.-
The State of West Bengal & Ors.**

*Mr. Krishnendu Banerjee,
Mr. Md. Idrish*

...for the appellant.

*Mr. Raja Saha,
Mrs. R. Chakraborty*

...for the State.

By consent of the parties the appeal and the connected application are taken up for hearing together.

This appeal is directed against an order dated September 20, 2022, whereby WPA No. 20921 of 2021 was disposed of.

The appellant/writ petitioner was the Pradhan of Tikashi Gram Panchayat, District Purba Midnapur. A notice dated December 6, 2021, was issued by the requisite number of members of the Panchayat for calling a meeting for removal of the Pradhan. Subsequently, a meeting was held and the appellant was removed as Pradhan. The appellant challenged both the notice dated December 6, 2021 and the Memo dated December 17, 2021, whereby the appellant was removed as Pradhan, before the learned Single Judge.

The learned Single Judge disposed of the writ petition by passing the following order:-

“The cause of action in this writ petition does not survive. The petitioner has been removed from his office as a Pradhan, pursuant to the notice which is under challenge.

The writ petition is disposed of without any orders.

The writ petitioner is at liberty to proceed in accordance with law by challenging the removal.”

We have heard learned Counsel for the parties. Obviously, the learned Judge was not properly assisted. It is not only the notice signed by the requisitionists that was challenged in the writ petition but the memo of removal of the Pradhan was also challenged. Hence, the writ petition needs to be heard on merits.

We set aside the order under appeal and remand the matter for fresh consideration by the learned Single Judge having determination to hear the writ petition.

The respondents would be at liberty to file their affidavits in opposition to the writ petition within three weeks (December 15, 2022). Reply thereto, if any, be filed within a week thereafter (December 22, 2022).

The learned Counsel for the appellant tries to impress upon us that there is urgency in the matter. The appellant may pray before the learned Single Judge for early disposal of the writ petition and the learned Single Judge may consider the same to the extent the business of the Court may permit.

The appeal and the connected application are accordingly disposed of.

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

(Apurba Sinha Ray, J.) (Arijit Banerjee, J.)