

11.10.2022
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as/cm

MAT 1688 of 2022
with
CAN 1 of 2022

Kimkim Begum, Pradhan of Sarangpur Gram
Panchayat.

Vs.
Sariful Islam & Ors.

Mr. Kamalesh Bhattacharya
Mr. Raju Mondal.
... for the appellant.

Mr. Tapan Kumar Mukherjee, Sr. Adv.
Ms. Tuli Sinha
... for the State.

Mr. Sardar Amjad Ali, Sr. Adv.
Mr. Golam Mastafa
Mr. T. S. Samanta
... for the writ petitioners/respondents.

Affidavit-of-service filed in the court today be kept
with the record.

Mr. Bhattacharya, learned advocate appearing for
the appellant has assailed the order directing holding of
meeting on 13th October, 2022 at 12.00 for removal of
Pradhan pursuant to a requisition made by the writ
petitioners/ respondents. He submits the court
exceeded its jurisdiction in fixing the date for convening
such meeting which is contrary to Section 12(3) of the
West Bengal Panchayat Act, 1973. It is his further
contention that an application for removal of three
members of the Panchayet are pending consideration

before the Sub Divisional Officer, Domkal Sub Division, Murshidabad which was directed to be disposed of expeditiously by the self-same learned Judge in WPA No.22391 of 2022. Order impugned has failed to take into consideration such direction which may have serious repercussion on the fate of the meeting.

Mr. Sardar Amjad Ali, Senior Advocate submits the requisition for removal of Pradhan was made as per law but could not be given effect to due to law and order situation. Under such circumstances, the learned Judge directed that the order of the court shall be treated as fresh notice under Section 12 of the West Bengal Panchayet Act and fixed the date of meeting on 13th October, 2022.

We have considered the rival submissions of the parties in the light of the factual matrix of the case. Requisition for removal of Pradhan of Sarangpur Gram Panchayet was made by the writ petitioners/respondents on 30th August, 2022. No steps were taken by the concerned authorities and the writ petitioners/respondents were constrained to approach this Court in WPA 21335 of 2022. By order dated 19th September, 2022, learned Single Judge had directed the meeting to be held. Pursuant thereto, a notice was issued and date was fixed for holding the meeting for removal of Pradahh on 21st September, 2022. However,

no meeting was convened on the plea that the law and order situation did not permit holding of such meeting.

Under such circumstances, the learned Judge directed that the order of the court be treated as a fresh notice and fixed the meeting to be held on 13th October, 2022. It is not the case of the appellant that he was unrepresented before the learned Single Judge or was unaware that the date of the meeting has been fixed on 13th October, 2022.

In view of the aforesaid circumstances, we are of the opinion the order of the learned Judge does not contravene any provision of law including sub Section (3) of Section 12 of the West Bengal Panchayet Act (hereinafter referred to as the Act). Initial notice had duly been issued for holding of the meeting on 21st September, 2022. The requisitionists were present on the date concerned but due to circumstances beyond their control i.e. law and order situation meeting could not be held. Purport of sub-Section (3) of Section 12 of the Act is to ensure prompt holding of meeting for removal of Pradhan pursuant to issuance of notice for removal. In view to such legislative intent, the first court directed the meeting to be promptly held on 13.10.2022 after treating the order of the court as a fresh notice. We do not find any illegality in the order.

Mr. Kamalesh Bhattacharyya further submits that the meeting may be postponed till hearing on the application for disqualification of three members of the said gram panchayet is concluded. No such grievance was canvassed by the appellant before the first court. There is nothing in the law which permits postponement of a proceeding for removal of the Pradhan pending consideration of disqualification of other members. Hence, we are not impressed by such submission also and we hold consideration of the application for disqualification of other members would not interdict the meeting for removal of Pradhan as directed by the learned Single Judge.

However, we hope and trust the application for disqualification shall be considered at the earliest in terms of the direction given by the learned Single Judge in WPA 22391 of 2022.

With these directions, the appeal and connected application are disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)