

23.11.2022

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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 24995 of 2022

**Shila Chatterjee
Vs.
State of West Bengal & Ors.**

Mr. Koustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar
... for the petitioner

Mr. A. Roy, Ld. G.P.
Mr. R. Saha
Mr. Soumitra Mukherjee
Mr. D. Sahu
... for the State

Mr. Suman Sengupta
Mr. Dip Jyoti Chakraborty
... for the Vice-Chairman

The petitioner has filed the present writ petition challenging the act of the Sub-Divisional Officer, Jhalda Sub-Division, Purulia in issuing the letter dated 14th November, 2022 whereby the petitioner has been requested to forward her views with regard to the letter received from one Suresh Kumar Agarwal, leader of the Board of Councillors, Jhalda Municipality.

The petitioner submits that the said letter was issued on receipt of the letter of the leader of the Board of Councillors on 14th November, 2022 without recording

primary satisfaction as to whether the petitioner is required to forward her views.

The further grievance of the writ petitioner is that despite pendency of the instant writ petition, the notice was issued by the Sub-Divisional Officer on 17th November, 2022 requesting the petitioner to furnish her views within 48 hours of receipt of the letter.

The petitioner received the letter of the Sub-Divisional Officer dated 17th November, 2022 on 19th November, 2022 and sought for extension of time for filing reply as the issuance of the initial letter was under scrutiny in the present writ petition.

The preliminary contention of the petitioner is that she was elected as Councillor of the Jhalda Municipality as an independent candidate. She all along remained an independent candidate and never switched her affiliation in favour of any political party.

Though there is a communication allegedly made by the petitioner on 27th October, 2022 addressed to the District President of the All India Trinamool Congress expressing her intention to resign from the post that she was holding, but it has been contended that she never submitted any declaration that she joined the All India Trinamool Congress party. It has been contended that the petitioner never approached for the primary membership of All India Trinamool Congress.

The petitioner apprehends that she may be disqualified from the membership of the municipality.

Learned advocate representing the State respondents submits that the writ petition is pre-mature. No cause of action has arisen to file the present petition.

Upon hearing the submissions made on behalf of all the parties, it appears that the Sub-Divisional Officer has sought for the views of the petitioner apropos the letter given by the leader of the Board of Councillors, Jhalda Municipality. The petitioner is yet to submit her views. No proceeding as of now has been initiated against her.

Accordingly, the Court is not inclined to interfere in the matter at this stage. It will be open for the petitioner to express her views with regard to the letter dated 14th November, 2022 within 7th December, 2022.

The Sub-Divisional Officer shall decide the issue after giving reasonable opportunity of hearing to all the necessary parties. A reasoned order shall be passed and communicated to the parties.

As the writ petition is being disposed of without calling for any affidavit, the allegations made therein are deemed not to have been admitted by the respondents.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)