

08
18.09.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 22376 of 2023

**Rayesha Bibi
-versus
The State of West Bengal & Ors.**

**Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder
...For the Petitioner.**

**Mr. Lalit Mohan Mahata,
Mr. Ziaul Haque.
...For the State.**

The petitioner, an elected Pradhan of the Gram Panchayat, seeks for a direction to set aside the decision taken in the meeting held on 31st August, 2023 for formation of Upa Samity.

Allegation is that the Pradhan and the members of her political party were restrained from attending the meeting held for formation of Upa-Samity on 31st August, 2023.

It appears that the Upa Samities have already been constituted. At this stage, it will not be proper to set aside the meeting which was held.

Section 4(2A) of the WB Panchayat Act, 1973 mentions that the Gram Panchayat shall consist of the following members:-

- i) members elected under Sub-Section (2),
- ii) members of the Panchayat Samity, not being Sabhapati or Sahakari Sabhapati,

elected thereto from the constituency comprising any part of the Gram.

As the Act has already specified the formation of the Gram Panchayat, accordingly, the petitioner being the Pradhan of the Gram Panchayat shall be entitled to participate in the meetings of the Gram Panchayat.

The petitioner apprehends that she will be restrained from participating in the meeting to be held for election of Sanchalak.

The Superintendent of Police, Malda through the Inspector-in-Charge, Kaliachak is directed to ensure that the Pradhan and the Upa Pradhan of the Gram Panchayat may attend the meeting of the Upa Samity for election of Sanchalak and there is no breach of peace at the time of the meeting.

Report filed by the Kaliachak Police Station dated 17th September, 2023 is taken on record.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)