

Item No. 8

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

16.10.2023
Ct-24

WPA 24761 of 2023
Bikash Naskar & Ors.

v.

The State of West Bengal & Ors.

Mr. Tarunjoyti Tewari
Mr. Gobinda Chandra Baidya
Mr. Aniket Tewari
... for the petitioners.

Mr. Lalit Mohan Mahata
Mr. Ziaul Haque
... for the State.

The Gosaba Gram Panchayat cannot function at all after the declaration of the Panchayat Election results as neither the Pradhan nor the Upa-Pradhan nor any other Upa Samities have been constituted. The Board is yet to be formed.

The notice of meeting for taking of oath/election of Pradhan/Upa-Pradhan of the Gram Panchayat was scheduled on August 9, 2023. The meeting got postponed on August 8, 2023 allegedly on account of law and order issues. Thereafter, steps have not been taken to conclude the proceeding in question.

Representations were filed by the petitioners claiming to be the elected members of the Gram Panchayat. None has been answered.

Learned advocate representing the State respondents admits fairly that the election of Pradhan ought to be taken up by condoning the delay in conducting such election.

In view of the above, the instant writ petition is disposed of directing the District Magistrate, South 24 Parganas to take immediate steps for conducting the election of Pradhan and other office bearers of the Gram Panchayat in accordance with law upon condoning the delay.

Steps shall be taken in the matter at the earliest but positively within a period of four weeks from the date of communication of this order.

The respondent authorities can take help of the Officer-in-Charge, Gosaba Police Station or its superior authority at the time of conducting the election, if occasion so arises.

Mr. Mahbubar Rahman, Sub Inspector of Schools, Gosaba circle, Presiding Officer of the concerned booth is present in Court in response to the writ petition which was served upon him.

Be it recorded that his presence is not required.

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.

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(Amrita Sinha, J.)