

Item No.3

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

17.01.2023
Ct-24

WPA 26900 of 2022
Shila Chatterjee & Ors.

v.

The State of West Bengal & Ors.

Mr. Pratik Dhar
Mr. Koustav Bagchi
Ms. Cardina Roy
Mr. Debayan Ghosh
Ms. Priti Kar
... for the petitioner.

Mr. Sakya Sen
Mr. Suman Sengupta
Mr. D.J. Chakraborty
... for the respondent no. 11.

Mr. Phiroze Edulji
Mr. Rahul Kumar Singh
... for the respondent no. 13.

Mr. Anirban Ray
Mr. Raja Saha
Mr. Debraj Sahu
Mr. Arka Nag
... for the State.

A report has been prepared by the District Magistrate & Collector, Purulia wherefrom it appears that the process of election was initiated on 16th January, 2023 at 11 a.m. under video surveillance and the process was video-graphed.

The petitioner no. 1 Ms. Shila Chatterjee appears to have been elected as the Chairman of the said Municipality.

The learned advocates appearing on behalf of the State respondents and the respondent no. 11 make a prayer that the charge may not be handed over to the newly elected Chairman as the appeal from the judgment dated January 13, 2023 is pending consideration before the Hon'ble Division Bench in MAT No.65 of 2023. The appeal has been fixed by the Hon'ble Division Bench on January 20, 2023.

I have perused the order passed by the Hon'ble Division Bench. The Hon'ble Division Bench was pleased not to pass any order staying the directions passed by this Bench.

This Court directed that the election be held on January 16, 2023 with a further direction not to hand over the charge until further order of this Court.

Today, upon perusal of the report filed by the District Magistrate, it appears that the election was duly conducted and one of the Councillors has been elected as the Chairman. There is no apparent reason as to why the charge will not be handed over to the newly elected Chairman.

In view of the above, the District Magistrate is directed to hand over the charge of the Municipality to the newly elected Chairman by 4 p.m. today (17th January, 2023).

Report filed by the District Magistrate & Collector along with all supporting documents be retained with the records of this case.

The video recording of the election process which was directed to be preserved, shall be preserved for future reference.

After delivery of this order in open Court, a prayer has been made by the respondent no. 11 for stay of operation of the present order.

I have considered the said prayer and I am of the opinion that there is no reason for not allowing the newly elected Chairman to take over charge and accordingly, the prayer for stay stands refused.

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.)