

Mr. Koustav Bagchi,
Ms. Priti Kar

....for the petitioner.

Mr. Vivekananda Bose,
Mr. Ratikanta Pal

....for the respondent no. 13.

Mr. Debayon Ghosh

....for the respondent no. 15.

Mr. Ritwik Pattanayak

....for the respondent nos. 16, 17, 19 & 20.

Mr. Aniruddha Bhattacharya

....for the respondent no. 18.

Mr. A. K. Nag

....for the State.

1. Leave is granted to the petitioner to correct the cause title, particularly array of respondents.

2. The petitioner is aggrieved that the functioning of the Jhalda Municipality has come to a standstill with a removal of the Chairman and Vice-Chairman.

3. The petitioner is a Councilor and is supported by other respondent Councilors.

4. Rule 6 of the West Bengal Municipality (Procedure and Conduct of Business) Rules, 1995 prescribes a procedure for election of a new Chairman and Vice-Chairman.

5. Given the fact that there is no Chairman

or Vice-Chairman, three Councilors are entitle to call for a meeting to hold elections. The Municipality is required to function with an appropriately elected Chairman and Vice-Chairman, this Court directs three of the respondents Councilors to call for a meeting of all Councilors with seven days notice for electing a new Chairman and/or Vice-Chairman. In the proposed elections, the ex-Chairman and Vice-Chairman may also participate.

6. In the backdrop of the above, this Court directs the process of election for new Chairman and Vice-Chairman to continue in terms of the Rules to the limited extent modified by this Court i.e. notice of seven days. The newly elected Chairman and Vice-Chairman may take up their responsibilities and ensure the functioning of the Municipality. Mr. Vivekananda Bose, learned counsel appearing for the removed Chairman submits that, she has been illegally removed from the post of Chairman and has taken steps to challenge the same. The election directed hereinabove shall abide by any orders that may be passed by the competent Court in such proceeding.

7. For a period of seven days, any decision relating to the day to day function of the Municipality may be taken by the Sub-Divisional

Officer, Jhalda. No policy decision shall be taken by the concerned Sub-Divisional Officer. Any decision of the concerned Sub-Divisional Officer would require the formal notification by the Municipality with a duly elected Chairman and Vice-Chairman.

8. With the above observations, the writ petition stands disposed of without any order as to costs.

9. Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Rajasekhar Mantha, J.)