

**WPA 19714 OF 2024**

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Sk. Naimul Haque

Vs.

State of West Bengal & Ors.

Mr. Siddhartha Sankar Mondal  
Mr. Amitabha Ghosh  
Ms. Nabamita Chatterjee  
Ms. Arpita Dhar.

.... For the Petitioner

Mr. Amal Kumar Sen  
Ms. Ashima Das (Sil)  
Mr. K. M. Hossain.

.... For the Respondents  
Nos. 1 to 6

Mr. Vivekananda Bose  
Mr. Saibal Krishna Dasgupta  
Mr. Avik Ghatak  
Mr. Ratikanta Pal.

.... For the Private  
Respondent Nos.11 to 17

Upon urgency being pleaded on behalf of the petitioner and in view of the determination being assigned before this Court, this writ petition has been taken up for consideration.

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Siddhartha Sankar Mondal, learned counsel appears for the petitioner.

Mr. Amal Kumar Sen, learned Additional Government Pleader appears for the respondent nos. 1 to 6.

Mr. Ratikanta Pal, learned advocate appears for the private respondent nos. 11 to 17.

The rest of the respondents including the Panchayat authorities are not represented, despite notice.

The petitioner claims to be an elected member of the concerned Panchayat Samity. Referring to the police complaints, **Annexure-P1 at pages 20 and 21** to the writ petition learned counsel for the petitioner submits that, one **Srabanti Malik** and one **Ganesh Digpati** were the complainants. **Srabanti** complained of that, by exercising coercion and by undue influence blank papers were made to be signed by her with an alleged life threat. **Ganesh** complained of that, he was also threatened with dire consequences so that, he shall resign from the committee of the Panchayat Samity.

Learned counsel for the petitioner then refers to a notice issued by the Panchayat Samity, **Annexure-P2 at page 22** to the writ petition whereunder a meeting was called upon on **July 15, 2024 at 12-00 noon** and the agenda was to consider the resignation submitted by the members of the Panchayat Samity. Deployment of police force was requested for holding the said meeting of the Panchayat Samity but the local police station expressed its inability to provide for such deployment of police force in view of the forthcoming festival then, as mentioned by them. A request was made to defer the meeting on some other subsequent day. In this regard, a communication dated **July 14, 2024** has been drawn attention of this Court being **Annexure-P4 at page 24** to the writ petition.

The meeting of the Panchayat Samity was held on **July 15, 2024** as scheduled and the alleged resignations submitted by the respective members of the Panchayat Samity were accepted by the Panchayat Samity.

The petitioner did not tender his resignation. The petitioner being an elected member of the Panchayat Samity contends that, the entire meeting, held on **July 15, 2024** in which the resignation of those members were accepted who tendered their resignations, is illegal, wrongful as the meeting was held without following the due process of law.

In the light of the above, the petitioner claims a declaration declaring the **General Meeting** of the Panchayat Samity dated **July 15, 2024** be declared as void and illegal and the consequential revocation and cancellation of the resolution of the meeting dated **July 15, 2024**.

Learned counsel for the petitioner contends that, the meeting was held in violation of **Sections 105 and 108** of the **West Bengal Panchayat Act, 1973**.

Mr. Amal Kumar Sen, learned Additional Government Pleader appearing for the State respondents at the threshold raised the **point of maintainability** of this writ petition. He submits that, the writ petition does not show as to how any right of the petitioner has been affected by the decision of the Panchayat Samity dated **July 15, 2024**.

After hearing the rival contentions of the parties and upon perusal of the materials on record it appears to this Court that, the subject matter of the resolution of the meeting of the Panchayat Samity dated **July 15, 2024** is the acceptance of resignations of **Srabanti** and **Ganesh** and other members of the Panchayat Samity, if any. Neither **Srabanti** nor **Ganesh** are the writ petitioners. On a meaningful reading of the writ petition it appears to this Court that, the entire writ petition has been proceeded on the basis of the general allegation against the Panchayat Samity as to holding of the alleged illegal **General Meeting** held on **July 15, 2024**. Even if the said meeting is declared to be void and the resolution adopted therein dated **July 15, 2024** stands set aside, the same will have no bearing or relevance on any of the right of the petitioner who is an elected member of the Panchayat Samity.

The writ petitioner when files writ petition other than public interest litigation, the first test such petitioner has to satisfy that, his fundamental right or any other right recognized under the Constitution of India has been infringed. In the facts of this case, this Court is of the firm view that, neither any fundamental right nor any other right of the petitioner, recognized under the Constitution of India, has been infringed by holding the said General Meeting of the Panchayat Samity dated **July 15, 2024**.

Inasmuch as, to take cognizance of the fact of alleged coercion or undue influence as alleged to have been exercised by the Panchayat Samity on **Srabanti** or **Ganesh** or any other resigned member, if any, a detailed fact finding inquiry is required to be conducted, which is not the job of a Writ Court. The allegation of coercion and undue influence exercised upon **Srabanti** and **Ganesh** allegedly are the cause of action in this writ petition, but the writ petitioner was never subjected to such alleged coercion or undue influence.

For the foregoing reasons and discussions, this Court is of the firm view that, this writ petition is totally devoid of any merit and not at all maintainable in law.

Resultantly, this writ petition, **WPA 19714 of 2024** stands dismissed, without any order as to costs.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

However, it is made clear that, this order shall not preclude if any actual aggrieved party seeks its legal remedy in accordance with law.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

**(Aniruddha Roy, J.)**