

12.09.2024
Item No.15
gd/ssd

WPA(P)/385/2024
SWAPAN KUMAR NAYAK
VS
STATE OF WEST BENGAL AND ORS.

Mr. Debasish Das
..for the Petitioner.

Mr. Biswabrata B. Mallick,
Ms. M. Ganguly
..for the State.

Mr. Indranil Roy,
Mr. Suvradal Chowdhury
..for the Respondent No.7.

Mr. Kaushik Sarkar,
Mr. Suman Panigrahi
..for the Respondent No.10.

1. The petitioner is an elected Chairman of Egra Municipality and has filed this writ petition alleging that the private respondent has put up a shop in a passenger shed.

2. We failed to understand as to why an elected Chairman of Municipality should approach this court and at his instance we should issue direction.

3. It is well open to the petitioner to exercise the powers conferred under the West Bengal Municipalities Act and proceed to take action in accordance with law, if so advised.

4. The learned Government counsel pointed out that the municipality has granted permission.

5. After we have dictated the order, the learned counsel for the petitioner insisted on this court to look into certain documents which, according to him, is very relevant.

6. In this regard, the learned advocate has drawn our attention to page 28 of the stay petition which is a memo issued by the writ petitioner in the capacity of Chairman of the Egra Municipality to the private respondent dated 14.08.2024 wherein the private respondent has been requested to submit all valid documents related to his business operations to the Chairman on August 20, 2024 at 12 noon.

7. The petitioner would contend that nothing has happened in terms of the memo which was issued by the Chairman of the Municipality dated 14.08.2024 and thereafter representations have been made to the District Magistrate as well as to the Sub-Divisional Officer dated 19.07.2024.

8. As pointed out earlier, we failed to understand as to why he should come to the assistance of the writ petitioner who is undoubtedly the elected Chairman of Egra Municipality. If the petitioner is unable to exercise his powers as a Chairman in terms of the provisions of the West Bengal Municipalities Act, then he is unfit to continue as a Chairman of the Municipality.

9. Therefore, it is high time that the petitioner steps down from the Post of Chairman and then fight the cause of the public as an individual.

10. Therefore, it is for the petitioner to pursue action in accordance with law.

11. In spite of our observation, the learned advocate for the petitioner kept on insisting that the District Magistrate should be directed.

12. We are not inclined to accept the said submission and the petitioner being an elected Chairman does not require the assistance of this court and if he does so, he should step down from the Post of Chairman and then fight the public cause.

13. Hence, the writ petition stands dismissed with costs of Rs.15,000/- payable to the District Legal Services Authority of Purba Medinipur within 30 days from the date of receipt of the server copy of the order.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)