

25.07.2025
SL No.36
Court No.42
S.Gayen

WPA 3561 of 2025

Sudip Halder

Versus

The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee

Mr. Sayan Banerjee

Mr. Badrul Karim

Mr. Kiron Sk.

Mr. Sarajit Roy

Mr. Sayed Hossain

...for the Petitioner

Mr. Amitabha Roy, Ld. GP

Ms. Subhra Nag

...for the State

1. Affidavit of service filed by the petitioner is taken on record.
2. By the present writ petition the petitioner seeks for quashing and setting aside the impugned order dated 9th August, 2024 passed by the Prescribed Authority and the Block Development Officer, Raninagar-II Block / respondent No.5 cancelling the application of the petitioner seeking for disqualification of private respondent Nos. 9, 10 and 11.
3. The petitioner contends that he is an elected member of Katlamari-I Gram Panchayat of Indian National Congress. As a leader of recognized political party, he filed a petition for disqualification of membership of Mafruja Khatun, Mainul Miya and Protima Mandal namely respondent Nos. 9, 10 and 11 as per the provision of Section 213A of the West Bengal Panchayat Act, 1973 (*hereinafter referred to as 'Act of*

1973'), on the ground that they defected from the original political party. The Prescribed Authority and the Block Development Officer, Raninagar-II Block / respondent No.5 rejected such petition of the petitioner dated 9th August, 2024 as upon verification, it was found that the applicant did not submit any valid/authenticated documents to show that respondent nos. 9, 10 and 11 voluntarily given up their Gram Panchayat membership from such recognized political party. Being aggrieved by and dissatisfied with the said order, the petitioner has preferred the present writ petition.

4. Learned advocate for the petitioner submits that without proper verification of the materials placed before it, the Prescribed Authority has passed such an order of cancelling the petition of the petitioner, which is totally perverse and should be set aside.
5. Learned Advocate for the State, on the contrary, submits that the said order is appealable. Hence, the writ petition is not maintainable.
6. For convenience and better appreciation, sub-Section (12) of Section 213A of Act of 1973 is reproduced hereunder :-

“(12) Any member of a Panchayat declared disqualified under subsection (1) or the Leader of the recognised political party referred to in sub-section (7), if aggrieved by the decision of the prescribed authority, may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf, and, thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority, and after giving the appellant and the opposite parties an opportunity of being heard, set aside or confirm the order or declare any member or members to be

disqualified in the manner referred to in sub-section (1) and, upon such declaration, the member or members shall stand removed from the Panchayat.”

7. Upon bare reading of the aforesaid provision, it is found that the impugned order passed by the Prescribed Authority and the Block Development Officer, Raninagar-II Block / respondent No.5 is an appealable order. In view of the above, the writ petition is not maintainable.
8. Accordingly, the writ petition being **WPA 3561 of 2025** stands dismissed.
9. However, it is left open to the petitioner to file appeal in accordance with law, if so advised. In the event such appeal is filed within a period of 30 days from the date of this order, it should be considered by the appellate authority to have been filed within the period of limitation.
10. All connected applications, if any, also stand disposed of.
11. Interim orders, if any, stand vacated.
12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
13. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Bivas Pattanayak, J.)