

04.04.2025.
Item No. 14.
Court No. 13
ap

M.A.T. No. 500 of 2025
With
I.A. No. CAN 1 of 2025

Saptami Mondal & Ors.
Versus
The State of West Bengal & Ors.

Mr. Robiul Islam,
Mr. Raju Mondal,
Mr. Marooq Rahman.

....For the appellants.

Mr. Santanu Kumar Mitra,
Mr. Subhabrata Das.

...For the State.

1. The instant intra court appeal is directed against an order dated 17th March, 2025 passed by a learned Single Judge of this Court in W.P.A. No. 5965 of 2025.
2. The subject matter of the writ petition was a notice of removal of four Sanchalaks and one Upa-Samiti Member in terms of Rule 22(4) of the West Bengal Panchayat (Constitution) Rules, 1975.
3. Proceedings were challenged, inter alia, on the ground of violation of Sub-rule (2) of Section 32A of the West Bengal Panchayat Act, 1973.
4. The learned Single Judge of this Court found that the Block Development Officer had not acted upon the notice in question and had issued a further requisition on 22nd February, 2025 based on which the BDO called for a notice for meeting on 28th February, 2025.
5. The appellant himself as annexed to the stay application, a further notice issued by the BDO under

Form 1F under Rule 17(6C), 18(6C) and 22(4C) of the Panchayat Rules above dated 21st March, 2025. This is a subsequent event.

6. Learned counsel for the appellant would argue that the Single Bench committed error in the third last paragraph at internal page 4 of the judgement whereby it was ordered as follows:

“Accordingly, respondent no.5 prescribed authority and the Block Development Officer is directed to act on the basis of notice of meeting on motion for removal of members and Sanchalaks under Form 1F if issued separately for holding separate meeting in accordance with law”.

7. This Court is of the view that the aforesaid direction should not be understood as compelling the BDO to mandatorily issue any notice upon requisition from any members. The same must be understood only as a general direction to the BDO to follow the due process of law in the event of any further requisition from the members.

8. The subsequent event, referred to hereinabove, therefore, constitutes an independent cause of action. The appellant may pursue the same in accordance with law. This Court finds no reasons to interfere with the impugned order as clarified hereinabove.

9. In the aforesaid circumstances, M.A.T. No. 500 of 2025 shall stand disposed of.

10. In view of the disposal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand disposed of.

11. There shall, however, be no order as to costs.

12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)