

April 11, 2025
Sl. No.SL 1
Court No.19
s.biswas

WPA 8556 of 2025

Biplab Sabuj Das and others
vs.
The State of West Bengal and others

Mr. Samim Ahmmed
Mr. Arka Maiti
Ms. Ambiya Khatun
Mr. Danish Uddin Abbasi
Mr. Nasirul Haque

... for the petitioners

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata

... for the State

1. Considering the urgency of the matter, leave was granted to the writ petitioner to move the instant writ petition out of turn. Learned advocate on record on behalf of the writ petitioners undertakes to file affidavit of service in course of this day. In view of such, learned advocate on record of the writ petitioners is hereby requested to file affidavit of service positively in course of this day. The ACO is directed to incorporate the affidavit of service, if filed, with the instant file.
2. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent nos.2 to 5 for setting aside and/or for quashing of the letter dated 08.04.2025 as issued by the Chairperson, Taki Municipality (hereinafter referred to as 'the Municipality' in short) addressed to the writ petitioner no.3 whereby and whereunder the said Chairperson had called for a meeting to hold no

confidence motion against the writ petitioners, though the writ petitioners are the elected members of Hasnabad Bazar Committee (hereinafter referred to as 'the said Committee').

3. In course of hearing Mr. Ahmmed, learned advocate appearing on behalf of the writ petitioners at the very outset draws attention of this court to page no.20 of the instant writ petition being a copy of the resolution of the said committee wherefrom it reveals that the members of the said committee which is an unregistered association had decided to hold an election of the members of the said committee on a particular date i.e. on 01.09.2024 and by the self-same resolution it has also been resolved that the elected members would hold the post of office bearers of the said committee for the period of next three years.
4. Drawing attention of this court to page no.28 of the instant writ petition being a copy of the resolution dated 20.09.2024, it is submitted by Mr. Ahammed that from the copy of said resolution it would reveal that pursuant to the earlier resolution the election of the committee members was held on 1st September, 2024 wherein 21 persons being the members of the said committee were elected for holding the post of office bearers and in the said meeting as per convention, the Chairperson of the Taki Municipality was coopted as President of the

said committee and the writ petitioner nos.3 and 2 were elected as Working President and Secretary of the said committee.

5. It is thus submitted by Mr. Ahmmed that by no stretch of imagination it can be held that the board of councillors and/or Chairperson or Vice-Chairperson of the Taki Municipality has any authority to call for a meeting for holding a no confidence motion against the writ petitioners who are the elected office bearers of the said committee.
6. Per contra, Mr. Mahata, learned Additional Government Pleader appearing for the respondent State submits before this court that since the majority of elected members of the said committee had submitted a no confidence motion against some of the office bearers who are the writ petitioners before this court, the notice under challenge has been issued by the said Municipality and thus there cannot be any illegality in issuance of such letter.
7. On careful consideration of the entire materials as placed before this court, it appears to this court that sufficient materials have been placed before this court that Hasnabad Bus Stand Bazar Seba Samity is an unregistered association. This court further finds that on the basis of an election the present writ petitioners along with other persons have been elected by the members of said

committee. Sufficient materials have also been placed before this court that the Chairperson of Taki Municipality is the coopted President of the said committee and thus by no stretch of imagination it can be said that either the Chairperson or the Vice-Chairperson or the members or councillors of the Taki Municipality has/have got any control over the affairs and management of the said committee which is purely an unregistered association and thus they have no authority to take any steps for the removal of the writ petitioners who are the elected office bearers of the said committee.

8. This court thus finds that the respondent authorities have exceeded their jurisdiction.
9. Accordingly, while allowing the instant writ petition, this court issues a writ of mandamus against the respondent authorities by quashing the Memo No.43/1(21)/T.M. dated 08.04.2025.
10. The instant writ petition is thus disposed of, in the light of the observation made hereinabove.
11. There shall be no order as to costs.
12. All the parties are to act on the basis of the server copy of the order.

(Partha Sarathi Sen, J.)