

26.06.2025
Sl. No. 88.
D/L.
Mithun
Ct.No.42.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 10516 of 2025

**Iusuf Ali Malitya
Vs.
The State of West Bengal & Ors.**

Mr. Anjan Bhattacharya
...for the petitioner

Mr. Shahan Shah,
Mr. Sk. Abumusa
...for respondent nos.5 and 6.

Mrs. Sabnam De Bardhan,
Mrs. Kakali Naskar
...for the State.

Affidavit-of-service filed on behalf of the petitioner
is taken on record.

Report filed by the State is taken on record.

This writ petition is filed seeking direction upon
respondent no.4, the Prescribed Authority and Block
Development Officer, Nowda Block to pass a final order
in respect of petition dated 11th November, 2024 and
30th December, 2024 filed by the petitioner under
Section 213A of the West Bengal Panchayat Act, 1973
regarding disqualification of respondent nos.5 and 6.

The petitioner contends that two separate
applications dated 11th November, 2024 and 30th
December, 2024 respectively was filed before the
Prescribed Authority and Block Development Officer,
Nowda Block, respondent no.4 for seeking

disqualification of respondent nos.5 and 6 under Section 213A of the West Bengal Panchayat Act, 1973. However, till date no order has been passed on the petitions of the petitioner, though hearing was held on 24th December, 2024 and 11th February, 2025. Hence this writ petition.

Mr. Anjan Bhattacharya, learned Advocate for the petitioner submits that the Prescribed Authority and Block Development Officer, Nowda Block, respondent no.4 is under statutory obligation to pass order in respect of the application filed by the petitioner seeking disqualification of respondent nos.5 and 6 as per Section 213A of the West Bengal Panchayat Act, 1973. Sub-section 11 of Section 213A of the West Bengal Panchayat Act, 1973 also provides stipulated period for disposing of such application. Despite such provision, the petitions of the petitioner under Section 213A of the West Bengal Panchayat Act, 1973 has been kept pending by respondent no.4. He seeks that specific direction be issued upon respondent no.4, Prescribed Authority and Block Development Officer, Nowda Block to dispose of such petitions filed by petitioner within a time frame.

Mr. Shahan Shah, learned Advocate for the private respondent nos.5 and 6 submits that due to pendency of the writ petition, the prescribed authority is unable to pass orders in respect of the petition filed by the petitioner.

Mrs. Sabnam De Bardhan, learned Advocate for the State submits that despite notice, since the respondent nos.5 and 6 failed to appear, the hearing could not be concluded. However, she also seeks that respondent no.4, Prescribed Authority Block Development Officer, Nowda Block be directed to pass necessary order in respect of the petition of the petitioner under Section 213A of the West Bengal Panchayat Act, 1973 within a time frame.

Admittedly, the petitioner filed two petitions on 11th November, 2024 and 30th December, 2024 seeking for disqualification of respondent nos.5 and 6. However, the same has not been disposed of as yet by the respondent no.4, Prescribed Authority and Block Development Officer, Nowda Block. Sub-section 11 of Section 213A of the West Bengal Panchayat Act, 1973 provides as hereunder:-

“(11) As soon as possible within eight weeks from the date of receipt of the petition referred to in sub-section (7), the prescribed authority shall, in consideration of the facts and the documents and the records before it,-

(a) reject the petition, or

(b) admit the petition wholly or in part and declare any member or members to be disqualified under sub-section (1) for being members of the Panchayat.”

In view of the aforesaid provision, the writ petition is disposed of directing the respondent no.4, Prescribed Authority and Block Development Officer, Nowda Block to dispose of the petitions of the petitioner dated 11th November, 2024 and 30th December, 2024 under Section

213A of the West Bengal Panchayat Act, 1973 within a period of four weeks from date of communication of this order upon notice to the petitioner as well as the respondent nos.5 and 6.

Learned Advocate for the petitioner is directed to communicate this order to respondent no.4, Prescribed Authority and Block Development Officer, Nowda Block for necessary compliance.

With the aforesaid direction, the writ petition being WPA No.10516 of 2025 stands disposed of.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Bivas Pattanayak, J.)