

22.05.2025

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Ct. no.39

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

W.P.A. 10699 of 2025

**Uttamashram Seva Sangha Trust (Uttam Ashram)
-Vs-
The State of West Bengal & ors.**

Mr. Nilanjan Bhattacharjee, Sr. Adv.
Mr. Akash Adak
... for the petitioner

Mr. Amal Kr. Sen, Ld. AGP
Mr. Lal Mohan Basu
... for the State-respondents

Mr. Dibashis Basu
Mr. Arun Bandopadhyay
... for the respondent nos.2 & 3

Mr. Sudeep Sanyal, Sr. Adv.
Mr. Sajal Kanti Bhattacharya
Mr. Sarthak Burman
Mrs. Tutun Das
... for the respondent no.6

Supplementary affidavit filed on behalf of the petitioner is taken on record. Copy served.

At the outset, Mr. Nilanjan Bhattacharjee, learned Senior Advocate appearing on behalf of the petitioner indicates that typographical error has crept into the order dated 14th May, 2025 mentioning respondent no.6 as a 'trustee' which should be 'Brahmachari'.

In view of such submission, in the 7th line of 1st page of order dated 14th May, 2025 the word 'trustee' be read as 'Brahmachari'.

The other portion of the order dated 14th May, 2025 shall remain unaltered. The aforesaid order is modified to the above extent.

Mr. Bhattacharjee, learned Senior Advocate appearing on behalf of the petitioner submits that although from the side of the petitioner steps were taken for holding peaceful meeting but at the instance of respondent no.6 and his associates, commotion took place and the entire meeting was jeopardized. The writ petition has been filed challenging the notice of the Upa-Pradhan, Dumurdaha-Nityanandapur Gram Panchayat No.1, Hooghly dated 7th May, 2025 calling upon the petitioner to attend the meeting of the trustee. Under the West Bengal Panchayat Act, 1973, the Pradhan or Upa-Pradhan of a Gram Panchayat has no authority to resolve the private dispute between the trustees of a trust. Such notice of Upa-Pradhan, Dumurdaha-Nityanandapur Gram Panchayat No.1, Hooghly dated 7th May, 2025 is out and out perverse and bad in law and should be set aside. He seeks for setting aside the notice.

Mr. Sudeep Sanyal, learned Senior Advocate for the respondent no.6 submits that the meeting could not be proceeded peacefully due to presence of other persons along with the petitioner. The petitioner as the Vice-President of the Trust and life Trustee tried to siphon off the funds of the trust.

Mr. Amal Kr. Sen, learned Additional Government Pleader appearing for the State submits report, which is

taken on record. He submits that State has extended assistance for holding the meeting on 21st May, 2025, however, for reasons not within the control of the State the meeting could not be held peacefully.

Mr. Dibashis Basu, learned Advocate for the respondent nos.2 and 3 submits that the only intention of the Upa-Pradhan was to resolve the dispute by and between the parties.

In the present writ petition, the challenge has been thrown to the notice issued by the Upa-Pradhan, Dumurdaha-Nityanandapur Gram Panchayat No.1, Hooghly dated 7th May, 2025 for holding meeting for resolving the disputes between the parties. Needless to mention that the dispute relates to management of *Uttamashram Seva Sangha Trust*. Therefore, the Upa-Pradhan could not have been an appropriate authority to call for a settlement meeting.

In light of the above, the notice of Upa-Pradhan, Dumurdaha-Nityanandapur Gram Panchayat No.1, Hooghly dated 7th May, 2025, is hereby set aside.

With the above observations, the writ petition being **WPA 10699 of 2025** stands disposed of.

Local police authorities shall render police assistance in the event such approach is made by either of the parties.

Interim order, if any, stands vacated.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

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 the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(**Bivas Pattanayak, J.**)