

08.08.2025
Sl. No.23(DL)
Ct. No.42
srm

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

W.P.A. No. 13381 of 2025

Mir Rejaul Karim

Versus

The State of West Bengal & Ors.

Mr. Rabiul Islam,
Mr. M. Rahaman

...for the Petitioner.

Ms. Suddhadev Adak,
Ms. Kakali Pal

...for the State.

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

By the present writ petition, petitioner seeks direction upon the respondent authorities particularly the Prescribed Authority and Block Development Officer, respondent No.4 to take immediate steps to initiate and complete the disqualification proceedings for cancellation of membership of the respondent No.5.

The petitioner contends that he is an elected member of Gura Pashla Gram Panchayat from Indian National Congress and has been selected as leader of opposition. The petitioner filed an application as per the provisions under Section 213A of the West Bengal Panchayat Act, 1973 for cancellation of membership of the respondent No.5, Osman Goni before the

Prescribed Authority and Block Development Officer, Nabagram Block, Murshidabad on 29th January, 2025, however, no steps have been taken as yet. Hence, this writ petition.

Mr. Robiul Islam, learned Advocate for the petitioner submits that the Prescribed Authority and Block Development Officer is under statutory obligation to dispose of such application within a period of six weeks from date of receipt of the same. However, till date, same has not been considered. He seeks for specific direction upon the respondent No.4 for initiation of proceedings in terms of Section 213A of West Bengal Panchayat Act, 1973.

Ms. Suddhadev Adak, learned Advocate for the State submits that the Prescribed Authority has to decide the prayer of the petitioner.

Service has not been effected upon the respondent No.5. Be that as it may, it is found that no prejudice would be caused to respondent No.5 in the event a direction is issued to the Prescribed Authority for deciding the prayer of the petitioner, upon giving him an opportunity of hearing.

Accordingly, respondent No.4, Prescribed Authority and Block Development Officer, Nabagram Block, Murshidabad is directed to dispose of the prayer of the petitioner dated 29th January, 2025 for cancellation of membership of respondent no.5, upon notice to all the parties including the petitioner and

respondent no.5, within a period of six weeks from the date of communication of this order by a reasoned order in accordance with law.

The reasoned order shall be communicated to the parties within a week of passing thereof.

The learned Advocate for the petitioner is directed to communicate this order to respondent No.4, Prescribed Authority and Block Development Officer, Nabagram Block, Murshidabad for necessary compliance.

With the aforesaid directions, the writ petition being **WPA 13381 of 2025** is disposed of.

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.)