

29.07.2025
Ct. 42
D/L 18
ab

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

WPA 25666 of 2024

Abdulla Al Mamun

-Vs-

The State of West Bengal & Ors.

Mr. Sayan Banerjee,
Mr. Kiron Sk.,
Ms. Suparna Dutta,
Mr. Sayed Hossain

... for the petitioner

Md. Sarwar Jahan,
Mr. Firoze Hassan,
Mr. Asif Mehdi

... for the respondent no. 8

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks quashing/setting aside of Order No. 2 dated 21st August, 2024 passed by the Prescribed Authority & the Block Development Officer, Raninagar-II Block, respondent no. 6 cancelling the petition of the petitioner seeking for disqualification of respondent no. 8, Gulam Murtaza (Milan Mullick).
3. The petitioner contends that he is an elected member of Raninagar-II Gram Panchayat from the Sekhpara Madhya-II/III Constituency of Raninagar-II Gram Panchayat and nominated by CPI(M) as the leader for the Raninagar-II Gram

Panchayat by virtue of a resolution dated 6th August, 2023. The respondent no. 8 was elected as member of Raninagar-II Gram Panchayat from CPI(M) party, however, he defected from the original party. On such ground, an application was filed by petitioner before the Prescribed Authority & the Block Development Officer, Raninagar-II Block, respondent no. 6 for disqualification of respondent no. 8 as per provisions of Section 213A of the West Bengal Panchayat Act, 1973 (*hereinafter referred to as the 'Act of 1973'*). The Prescribed Authority & the Block Development Officer, Raninagar-II Block, respondent no. 6 cancelled such application vide order no. 2 dated 21st August, 2024. Being aggrieved by and dissatisfied with the impugned order passed by the Prescribed Authority & the Block Development Officer, Raninagar-II Block, respondent no. 6, the petitioner preferred the present writ petition.

4. Mr. Sayan Banerjee, learned advocate for the petitioner submits that the materials placed before the Prescribed Authority has not been verified and acted upon. The order impugned is perverse. He seeks for quashing of such impugned order.
5. On the contrary, Mr. Sarwar Jahan, learned advocate representing the respondent no. 8 submits that the impugned order is appealable as

per Sub-Section 12 of Section 213A of the Act of 1973.

6. Despite service, none appears on behalf of the State.
7. Mr. Kazi Sajjad Alam, learned advocate, who usually appears on behalf of the State is requested to appear for the State in this matter. Let appointment of Mr. Kazi Sajjad Alam, learned advocate be regularized by the concerned authority.
8. Mr. Alam, learned advocate for the State also submits in the similar fashion that the impugned order is appealable.
9. For convenience and better appreciation, sub-Section (12) of Section 213A of Act of 1973 is reproduced hereunder :-

“(12) Any member of a Panchayat declared disqualified under subsection (1) or the Leader of the recognised political party referred to in sub-section (7), if aggrieved by the decision of the prescribed authority, may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf, and, thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority, and after giving the appellant and the opposite parties an opportunity of being heard, set aside or confirm the order or declare any member or members to be disqualified in the manner referred to in sub-section (1) and, upon such declaration, the member or members shall stand removed from the Panchayat.”

10. Upon bare reading of the aforesaid provision, it is found that the impugned order passed by the Prescribed Authority and the Block Development Officer, Raninagar-II Block / respondent No.6 is an

appealable order. In view of the above, the writ petition is not maintainable.

11. Accordingly, the writ petition being **WPA 25666 of 2024** stands dismissed.

12. However, it is left open to the petitioner to file appeal in accordance with law, if so advised. In the event such appeal is filed within a period of 30 days from the date of this order, it should be considered by the appellate authority to have been filed within the period of limitation.

13. All connected applications, if any, also stand disposed of.

14. Interim orders, if any, stand vacated.

15. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

16. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(**Bivas Pattanayak, J.**)