

MC 3512/2007
BEFORE
HON'BLE MR. JUSTICE RANJAN GOGOI

Misc. application No. 3512/07 has been filed seeking vacation/ modification/ alteration of the interim order dated 17.8.2007 passed by this Court in WP(C) No. 4162/07. By the aforesaid interim order this Court had put a restraint on the operation of the motion of no confidence passed against the petitioner in the meeting of the Howly Town Committee held on 21.7.2007. The writ petitioner is the Chairman of the Town Committee.

As agreed to by the learned counsel for the parties, the writ petition itself is taken up for final disposal.

The contention advanced in support of the challenge made in the writ petition appears to be that the procedure prescribed by the Rules regarding service of notice of no confidence motion; convening of the meeting by the Chairman and discussion on the motion leading to a vote was not adhered to in the present case as the petitioner was not served with any notice of no confidence. The stand of the respondents as against the aforesaid contention of the petitioner is that the petitioner was not available for service of notice as he was absconding on account of a criminal case filed against him.

Be that as it may, what transpires from the record made available to the Court is that four members of the Town Committee have issued a separate/ fresh notice dated 5.9.2007 requiring the petitioner as the Chairman of the Town Committee to convene a fresh meeting of the Town Committee for the purpose of discussion of a no confidence motion against the Chairman.

In view of the aforesaid fresh notice served on the petitioner as the Chairman of the Town Committee, it is incumbent on him to call a meeting of the Town Committee to discuss the motion of no confidence, notice of which has been given. It is perhaps on account of pendency of the writ petition that the requisite meeting has not been convened.

In the above circumstances, the Court is of the view that instead of addressing itself to the prayer for vacation/ modification/ alteration of the interim order as made in the present Misc. case, the entire writ petition can be disposed of by directing the Deputy Commissioner, Barpeta to convene a meeting of the Howly Town Committee on 8.10.2007 wherein the motion of no confidence dated 5.9.2007 moved by four members will be discussed and put to vote. The Deputy Commissioner, Barpeta will be responsible for implementing such consequential decisions as may be taken in the said meeting.

Closed.