

WP(C) 5185/2008

BEFORE

HON'BLE MR. JUSTICE HRISHIKESH ROY

Heard Mr. A.M. Majumdar, learned senior counsel appearing for the petitioner. Also heard Mrs. V.L. Singh, learned Addl. Senior Government Advocate who appears for respondents 1,2 & 4.

The petitioners are 5 elected members of the Salchapra Anchalik Panchayat and has approached this Court on account of the failure of the respondent authorities to take appropriate steps for convening a meeting to discuss the No Confidence Motion against the president and also the vice-president of the said Anchalik Panchayat. It is alleged by the petitioners that the respondent No.5 the president of the Anchalik Panchayat in connivance with the vice-president (respondent No.6) under the influence of the husband of respondent No.5, is mismanaging the affairs of the Panchayat and despite requisition given by the 5 elected members for convening a meeting to discuss a No Confidence Motion against the president and the vice-president, the scheduled meetings have been sabotaged by the president. The petitioners' further grievance is that although they had sought intervention of the Deputy Commissioner, Cachar the Deputy Commissioner has not taken any steps in this regard.

Mr. A.M. Majumdar has referred to the provisions of Section 43 of the Assam Panchayat Act, 1994 (hereinafter referred to as the Act) which permits intervention of the Deputy Commissioner for convening a meeting to discuss a No Confidence Motion against the president or the vice-present of a Panchayat Institution.

Mrs. V.L. Singh, learned Addl. Senior Government Advocate has referred to the counter affidavit filed by the deputy Commissioner Cachar, where some explanation is given as to why the scheduled meetings on 6.11.08 and 7.11.08 could not proceed to execute any business.

Having regard to the materials placed before the Court and the submissions made, I am of the considered opinion that the Deputy Commissioner, Cachar should take appropriate steps for convening a meeting under the provisions of Section 43 of the Act with regard to the requisition given by the elected members of the Salchapra Anchalik Panchayat. The necessary steps in this regard under the supervision of the Deputy Commissioner should be taken so that democratic functioning in the Panchayat Raj Institution can be ensured.

Accordingly this writ petition is disposed of with the aforesaid direction to the Deputy Commissioner, Cachar to take appropriate steps in terms of provisions of Section 43 of the Assam Panchayat Act, 1994 to convene appropriate meeting to discuss the No Confidence Motion against the president and the vice-president of the Salchapra Anchalik Panchayat. The necessary exercise in this regard would be made expeditiously and preferably within a period of 4 weeks from today.

A copy of this order be furnished to Mrs. V.L. Singh, learned Addl. Senior Government Advocate for communication.