

WP(C) 2512/2009

BEFORE

HON'BLE MR. JUSTICE HRISHIKESH ROY

Heard Mr. HRA Choudhury, learned senior counsel for the applicants/respondents No. 6 to 12. Also heard Dr. B. Ahmed, learned counsel for the writ petitioner. Ms. H.M. Phukan, learned Govt. Advocate appears for the official respondents. It appears that in pursuant to the interim order dated 29.6.2009 passed in W.P.(C) No. 2512/2009, the meeting for discussing No Confidence Motion scheduled on 3.7.09 was cancelled, by order dated 1.7.09 passed by the President, South Karimganj Anchalik Panchayat. It is contended that there was no direction by the Court for cancellation of the scheduled meeting and what was intended by this Court in its interim order was that the resolution passed in the meeting, if any, should not be given effect to before the version of the requisitionists is considered by the Court.

From the papers available in the case it appears that the applicants had requisitioned a meeting of No Confidence Motion on 2.6.09 against the President of the Pirerchak Gaon Panchayat and the Secretary of the Pirerchak Gaon Panchayat by his communication dated 18.6.09 addressed to the President of the South Karimganj Anchalik Panchayat declared that the President (writ petitioner) did not give his approval to convene the said meeting. Accordingly the meeting was ordered to be convened by the President of the South Karimganj Anchalik Panchayat.

It is apparent that the Court's interim order dated 29.6.09 was not intended to stall the holding of the scheduled meeting on 3.7.09. Although the report of the Secretary of the Gaon Panchayat makes it clear that writ petitioner as the President did not approve convening of the meeting, Dr. Ahmed appearing for the President submits that the requisition for holding the meeting was never placed before him.

Having regard to the above controversy and particularly in view of the fact that the scheduled meeting of 3.7.09 was cancelled by improperly referring to the interim order passed on 29.6.09 by this Court, I deem it appropriate to allow the requisitionists to take up the No Confidence Issue from the stage of the requisition dated 2.6.09 made by the requisitionist requesting for convening a special meeting of the Gaon Panchayat body to discuss the No Confidence Motion against the President of No. 58 Pirerchak Gaon Panchayat (writ petitioner). The requisition made on 2.6.09 would be brought to the notice of the President by the Secretary in terms of the provisions of Section 15 of the Assam Panchayat Act, 1994 and appropriate action would follow thereafter, in accordance with the provisions of the Act.

The petition stands disposed of accordingly.