

WP(C) 246/2010

BEFORE

THE HON'BLE MR JUSTICE ASOK POTSANGBAM

Heard Mr AK HUSSAIN, learned counsel for the petitioner in WP(C) No 246/2010, Mr N Borah, learned counsel for the petitioner in WP(C) No 3583/2010, Mr PP Baruah, learned counsel for the respondent No 8, in WP(C) No 246/2010, and Mr B Gogoi, learned counsel for the respondent No 3. and Mr BJ Ghose, learned State counsel. As agreed to by the learned counsel appearing for the parties, these two writ petitions are taken up for disposal by a common order but without deciding the case on merits and contentions raised by the parties.

The grievance of the writ petitioner in WP(C) No 246/2010 is that although a No Confidence Motion was brought against the respondent No 8, writ petitioner in WP(C) No 3583/2010, the President of Bhalukmari Gaon Panchayat under Balipara Anchalik Panchayat in the district of Sonitpur, the same has not yet been materialized despite lapse of one year four month since the date of requisition. It is the case of the writ petitioner in WP(C) No 3583/2010 that the resolution adopted in the special meeting convened by seven members of the Gaon Panchayat and the resolution taken therein suffered from irregularity. Be that as it may, agreed upon, these writ petitions are disposed of with the following directions that-

1) if the writ petitioner in WP(C) No 246/2010 is still aggrieved and interested to pursue the No Confidence Motion against the President of the Gaon Panchayat, she may file a fresh requisition signed by the requisite number of members to the President of the Gaon Panchayat through the Secretary as provided under sub-section (1) and (2) of section 15 of the Assam Panchayat Raj Act, 1994;

2) if such requisition is submitted, the President of the Gaon Panchayat shall cause the Secretary to call for special meeting within fifteen days from the date of receipt of the requisition and such special meeting shall be presided over by the Vice President as provided under sub-section (1) of section 15 of the Assam Panchayat Raj Act, 1994 and

3) the continuation or non-continuation of the President of the Gaon Panchayat shall depend upon the outcome of the result of No Confidence Motion to be decided in the specially convened meeting.

The parties may obtain certified copy of this order in order to enable them to carry out the directions given by this Court as above.

With the aforesaid observations and directions, this writ petition stands disposed of.