



**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.807 of 2024

Sri Prantosh Paul, Son of Sri Sunil Paul, Resident of Shibnagar, P.O.- Taksa Para, P.S. Melagarh, District- Sepahijala, Tripura, PIN-799103

.....Petitioner(s);

Versus

1. The State of Tripura to be represented by the Secretary to the Panchayat Department, Government of Tripura, Secretariat Building, New Capital Complex, Agartala, West Tripura
2. District Panchayat Officer, Sepahijala District, (DM's Office, Sepahijala District), P.O. and P.S. Bishramganj, District- Sepahijala Tripura PIN-799103
3. Block Development Officer, Nalchar RD Block, Nalchar, Sepahijala Tripura, PIN-799103
4. Sri Siddhartha Sarkar Roy, (Presiding Officer of the Meeting) Assistant Block Development Officer, Resident of Shibnagar, P.O. Taksa Para, P.S. Melagarh, District- Sepahijala, Tripura, PIN-799103
5. The President, Bharatiya Janata Party, Krishnagar, P.O. Agartala, P.S. West Agartala, Agartala, West Tripura, PIN-799001
6. The Chief Whip, Bharatiya Janata Party, Krishnagar, P.O. Agartala, P.S. West Agartala, Agartala, West Tripura, PIN-799001

.....Respondent(s)

WP(C) No.813 of 2024

Sri Ranjit Debnath, Son of Sri Atul Debnath, Resident of Shibnagar, P.O. Taksa Para, P.S. Melagarh, District- Sepahijala, Tripura, PIN-799103

.....Petitioner(s);

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5. The President, Bharatiya Janata Party, Krishnagar, P.O. Agartala, P.S. West Agartala, Agartala, West Tripura, PIN-799001



6. The Chief Whip, Bharatiya Janata Party, Krishnagar, P.O. Agartala, P.S. West Agartala, Agartala, West Tripura, PIN-799001

.....Respondent(s)

WP(C) No.815 of 2024

Smti. Bina Paul, Wife of Sri Swapan Chandra Paul, Resident of Shibnagar, P.O.- Taksa Para, P.S. Melagarh, District- Sepahijala, Tripura, PIN-799103

.....Petitioner(s);

Versus

1. The State of Tripura to be represented by the Secretary to the Panchayat Department, Government of Tripura, Secretariat Building, New Capital Complex, Agartala, West Tripura
2. District Panchayat Officer, Sepahijala District, (DM's Office, Sepahijala District), P.O. and P.S. Bishramganj, District- Sepahijala, Tripura, PIN-799103
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5. The President, Bharatiya Janata Party, Krishnagar, P.O. Agartala, P.S. West Agartala, Agartala, West Tripura, PIN-799001
6. The Chief Whip, Bharatiya Janata Party, Krishnagar, P.O. Agartala, P.S. West Agartala, Agartala, West Tripura, PIN-799001

.....Respondent(s)

WP(C) No.816 of 2024

Sri Sukumar Ghosh, Son of Late Jogesh Ghosh, Resident of Shibnagar, P.O. Taksa Para, P.S. Melagarh, District- Sepahijala, Tripura, PIN-799103

.....Petitioner(s);

Versus

1. The State of Tripura to be represented by the Secretary to the Panchayat Department, Government of Tripura, Secretariat Building, New Capital Complex, Agartala, West Tripura
2. District Panchayat Officer, Sepahijala District, (DM's Office, Sepahijala District), P.O. and P.S. Bishramganj, District- Sepahijala, Tripura, PIN-799103
3. Block Development Officer, Nalchar RD Block, Nalchar, Sepahijala Tripura, PIN-799103
4. Sri Siddhartha Sarkar Roy, (Presiding Officer of the Meeting) Assistant Block Development Officer, Resident of Shibnagar, P.O. Taksa Para, P.S. Melagarh, District- Sepahijala, Tripura, PIN-799103



5. The President, Bharatiya Janata Party, Krishnagar, P.O. Agartala, P.S. West Agartala, Agartala, West Tripura, PIN-799001

6. The Chief Whip, Bharatiya Janata Party, Krishnagar, P.O. Agartala, P.S. West Agartala, Agartala, West Tripura, PIN-799001

.....Respondent(s)

WP(C) No.817 of 2024

Smti. Uma Debnath, Wife of Sri Nripendra Debnath, Resident of Shibnagar, P.O. Taksa Para, P.S. Melagarh, District.- Sepahijala, Tripura, PIN-799103

.....Petitioner(s);

Versus

1. The State of Tripura to be represented by the Secretary to the Panchayat Department, Government of Tripura, Secretariat Building, New Capital Complex, Agartala, West Tripura

2. District Panchayat Officer, Sepahijala District, (DM's Office, Sepahijala District), P.O. and P.S. Bishramganj, District- Sepahijala, Tripura, PIN-799103

3. Block Development Officer, Nalchar RD Block, Nalchar, Sepahijala Tripura, PIN-799103

4. Sri Siddhartha Sarkar Roy, (Presiding Officer of the Meeting) Assistant Block Development Officer, Resident of Shibnagar, P.O. Taksa Para, P.S. Melagarh, District- Sepahijala, Tripura, PIN-799103

5. The President, Bharatiya Janata Party, Krishnagar, P.O. Agartala, P.S. West Agartala, Agartala, West Tripura, PIN-799001

6. The Chief Whip, Bharatiya Janata Party, Krishnagar, P.O. Agartala, P.S. West Agartala, Agartala, West Tripura, PIN-799001

.....Respondent(s)

WP(C) No.818 of 2024

Smti. Ujjala Biswas (Sarkar), Wife of Sri Dipak Sarkar, Resident of Shibnagar, P.O. Taksa Para, P.S. Melagarh, District- Sepahijala, Tripura, PIN-799103

.....Petitioner(s);

Versus

1. The State of Tripura to be represented by the Secretary to the Panchayat Department, Government of Tripura, Secretariat Building, New Capital Complex, Agartala, West Tripura

2. District Panchayat Officer, Sepahijala District, (DM's Office, Sepahijala District), P.O. and P.S. Bishramganj, District- Sepahijala, Tripura, PIN-799103

3. Block Development Officer, Nalchar RD Block, Nalchar, Sepahijala Tripura, PIN-799103



4. Sri Siddhartha Sarkar Roy, (Presiding Officer of the Meeting), Assistant Block Development Officer, Resident of Shibnagar, P.O. Taksa Para, P.S. Melagarh, District- Sepahijala, Tripura, PIN-799103
5. The President, Bharatiya Janata Party, Krishnagar, P.O. Agartala, P.S. West Agartala, Agartala, West Tripura, PIN-799001
6. The Chief Whip, Bharatiya Janata Party, Krishnagar, P.O. Agartala, P.S. West Agartala, Agartala, West Tripura, PIN-799001

.....Respondent(s)

WP(C) No.246 of 2025

Smt. Anita Singha, Wife of Sri Ajit Singha, Resident of Kamarkandi, previously Kanakpur, P.O. Noorpur, P.S. Noorpur, District- Unakoti, Tripura, PIN-799277

.....Petitioner(s);

Versus

1. The State of Tripura to be represented by the Secretary to the Panchayat Department. Government of Tripura, Secretariat Building, New Capital Complex, Agartala, West Tripura
2. District Panchayat Officer, Unakoti District, (DM's Office, Unakoti District), P.O. Gournagar, P.S. Kailashahar. District- Unakoti, Tripura PIN-799279
3. Block Development Officer, Gournagar RD Block, P.O. Gournagar, P.S. Kailashahar, District- Unakoti, Tripura, PIN-799279
4. Sri Tajim Chakma, Presiding Officer of the Meeting, Additional Block Development Officer, Gournagar RD Block, P.O. Gournagar, District- Unakoti, Tripura, PIN-799277

.....Respondent(s)

WP(C) No.248 of 2025

Irpan Ali, Son of Late Rushan Ali, Resident of Kanakpur, P.O. Noorpur, P.S. Kailashahar. District- Unakoti, Tripura PIN-799277

.....Petitioner(s);

Versus

1. The State of Tripura to be represented by the Secretary to the Panchayat Department, Government of Tripura, Secretariat Building, New Capital Complex, Agartala, West Tripura
2. District Panchayat Officer, Unakoti District, (DM's Office, Unakoti District), P.O. Gournagar, P.S. Kailashahar, District- Unakoti, Tripura PIN-799279
3. Block Development Officer, Gournagar RD Block, P.O. Gournagar, P.S. Kailashahar, District- Unakoti, Tripura, PIN-799279



4. Sri Tajim Chakma, Presiding Officer of the Meeting, Additional Block Development Officer, Gournagar R D Block, P.O. - Gournagar, District-Unakoti, Tripura, PIN-799277

.....Respondent(s)

For Petitioner(s)	: Mr. Narasingha Das, Advocate, Mr. Saugat Datta, Advocate.
For Respondent(s)	: Mr. Saktimoy Chakraborti, Advocate General, Mr. Pradyumna Gautam, Sr. G.A., Mr. Kohinoor Narayan Bhattacharyya, G.A., Mr. Dipankar Sarma, Addl. G.A., Mr. Karnajit De, Addl. G.A., Mrs. Pinki Chakraborty, Advocate, Mr. Hillol Laskar, Advocate.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

12/05/2026

In all these Writ Petitions, the petitioners who had been elected as Members of certain Gram Panchayats, had been disqualified by separate orders of disqualification passed by the respective Block Development Officers under Clause (b) of sub-Section (1) of Section 16 of the Tripura Panchayats Act, 1993 on the ground that they had disobeyed the Whips issued to each of them by the political party to which they belong.

2. The contention of the petitioners in all these cases is that written Whip containing the direction of the political party, had not been served to them prior to the conduct of elections to the posts of Pradhan and Upa-pradhan in the respective panchayats.

3. Reliance is placed by them on the judgment of a Division Bench of this Court in *Ranjit Sinha v. State of Tripura & Others*¹.

In the said judgment, it was held:

¹ (2021) 1 TLR 64



“25. Even though there is no specific provision in this regard, undoubtedly, within the scheme of the statute and the rules made thereunder, the petitioners were entitled to be properly communicated party whip prior to the commencement of the election process since their failure in complying with such whip would render them disqualified from the membership of the panchayat. There is no evidence that written intimation of the party whip was served on any of the petitioners. There is no evidence of such a whip being in any other manner communicated to the petitioners by any authorized member of the party. In the record of proceedings of the meeting dated 16.08.2019, Annexure-R/2, it has been noted by the Presiding Officer that after the swearing in of the elected members, he read out the party whip to them in terms of Section 16 of the Act and Rule 27 of the Rules and also made the members aware that violation of the party whip would disqualify them from the membership of the panchayat. Section 20 of the Act which deals with the procedure of the election of pradhan and upapradhan, nowhere provides that it would be the duty of the Presiding officer to read out the party whip to the elected members before the commencement of the election. Similarly, Rules 6 & 7 of the said Rules have laid down the procedure of election of pradhan and upa-pradhan of Gram Panchayat which is as under:

“6. (1) The District Panchayat Officer of the District shall be the prescribed authority for the purpose of subsection(2) of that Section. Within ten days from the date of constitution of a Gram Panchayat under sub-section(5) of Section 17 or within such further time as may be extended by the District Panchayat Officer, the prescribed authority shall convene the first meeting of Gram Panchayat. For the purpose, the District Panchayat Officer shall give a written notice of first meeting in Form 1 to all members as far as practicable seven days before such meeting. The members shall take oath before the meeting and elect the Pradhan and Upa Pradhan in the meeting. The authority specified under Section 217(1) or any officer nominated by such authority shall administer oath to the members and preside over the meeting. (2) Simple majority of the elected members of a Gram Panchayat shall form the quorum for the first meeting. The first meeting shall be held after the members present have taken oath. If there is no quorum for the first



meeting the Presiding Officer shall adjourn the meeting and submit a report to the District Panchayat Officer. The adjourned first meeting shall be convened within 10(ten) days by the concerned District Panchayat Officer in the same manner as in the case of first meeting.

(3) The Presiding Officer shall, after taking of oath is over and immediately after the commencement of the meeting call upon the members present to propose the names of the candidate for election of the Pradhan of the Gram Panchayat. One member only shall be required to propose same of a candidate. The Presiding Officer shall record the name of each candidate proposed, name of his party, if any, together with the name of the proposer and name of his party. He shall reject a proposal.

(i) If the seat is reserved but the proposal does not conform to reservation requirement; or (ii) If the proposal has been made after the list of candidates has been finalized by him in Form-2. If the candidate, whose name is proposed, is absent, the proposer shall submit the consent paper of the candidate to the Presiding Officer in Form-3 (4) If only one candidate is proposed, the Presiding Officer shall in Form-4, declare him to be duly elected Pradhan of the Gram Panchayat. If more than one candidate have been proposed, the Presiding Officer shall cause to be prepared list of candidates in Form-5 and asked the members to cast their votes in favour of their chosen candidate by showing hands. The Presiding Officer shall call out names of candidates one by one serially as arranged in Form-5 in Bengali alphabetical order and record the number, and names and political party, if any, of the members who have raised their hands in favour of a candidate. He shall obtain signature of the members who raised hands. No member shall cast more than vote. If any member casts more than one vote, all of his votes shall be liable to be rejected. If any member abstains from voting, it shall be recorded in Remark Column for Form-5 against the name of the members by the Presiding Officer. After completion of vote the Presiding Officer shall, in Form-4 declare the candidate who has secured the largest number of votes to be duly elected Pradhan of the Gram Panchayats. In case of equal number of votes being recorded in favour of two or more candidates the Presiding Officer shall decide the result of the elections by lot in such a manner as the Presiding Officer shall deem fit and thereupon the candidate in whose favour the lot falls shall be deemed to have received on additional vote and shall be declared to be duly elected as Pradhan of the Gram Panchayats.



7. After the election of Pradhan, the election of the UpaPradhan shall be held in the same manner as provided in sub-rule(4) of rule-6: Provided that for the office of the Pradhan there shall be no reservation.”

26. No duty is cast upon the Presiding Officer under the said rule to read out the party whip to the members before the commencement of the proceedings for the election of Pradhan and Upa-Pradhan. His duty is to conduct the election in accordance with the procedure laid down under the rule. Rule 27 of the said Rules under sub-rule (1) provides that if the attention of the Presiding Officer is drawn to the fact that any member has voted or abstained from voting contrary to the direction of the political party, the Presiding Officer will record the facts in the Remarks Column of the record of proceedings of the meeting and after obtaining a clarification from the erring member, shall refer the matter to the Block Development Officer.

27. Section 217(1) of the Act provides for appointment of presiding Officer to administer oath to the elected members of panchayat. The details of the procedure with regard to administering oath to the elected members and election of pradhan and upapradhan and the duties and responsibilities of the Presiding Officer in this regard have been laid down in chronological order under Rules 6 & 7 of the said Rules. Had it been a duty of the Presiding Officer to read out the intimation of whip to the elected members of the panchayat before the commencement of the proceedings for election of pradhan and upa-pradhan in the meeting convened for this purpose, it would have been laid down under the said Rules. Therefore, reading out of party whip in the meeting cannot be substituted for proper communication of the whip on the elected members by the party to which they belonged. Any other view would lead to grave consequences. If the requirement of proper and valid communication of whip is to be substituted by reading out of the whip by the authorized officer which does not form part of his statutory duties, it will open wide possibilities of disputes of authenticity, correctness and reliability of the communication.



28. *For the foregoing reasons, we are in agreement with the submission of learned counsel appearing for the petitioners that the intimation of the party whip containing the direction of the party with regard to the manner of franchise for election of pradhan and upa- pradhan was not properly served upon the petitioners before the commencement of the election proceedings and therefore, the petitioners cannot be disqualified for disobeying the party whip.*”

4. Similar view has also been taken by another Division Bench of this Court in ***Gautam Das & Others v. State of Tripura & Others***²:

“11. As per the statutes of the Act and Rules made thereunder, it is essential to communicate party whip prior to the commencement of the election process. Mere reading loudly of the whip does not come within the purview of the said Act and Rules. Further, there is no evidence on record that any written intimation of the party whip was ever served upon any of the petitioners. There is no evidence also on record that such a whip, in any manner, being communicated to the petitioners by any of the authorized members of the party. From the annexures submitted by learned GA it is conclusively seen that the Presiding Officer had loudly read out the party whip to the petitioners in terms of Section 16 of the Act and Rule 27 of the said Rules. Section 20 of the Act says that it is not the duty of the Presiding Officer to read out the party whip to the elected members before commencement of the election. No duty is cast upon the Presiding Officer under the Rule to read out the party whip to the members before commencement of the proceeding. His only duty is to conduct the election.

14. *From the above analysis, it is abundantly clear that disqualification of the petitioners from being members of the Gram Panchayat is wholly disproportionate to the default committed by the respondents under Section 16 of the Act and under Rule 27 of the Rules. Thus, we have no hesitation in holding that the impugned declaration dated 24.09.2021 betrays utter nonapplication of mind*

² (2023) 1 TLR 443



to the facts of the case and the relevant law. This court prima facie feels that the impugned action of the respondents against the petitioners needs be interfered with.”

5. The stand taken by the respondents in the Counter Affidavit that reading of Whip loudly at the time of the meeting being held for the purpose of election to the post of Pradhan and Upa-Pradhan, is sufficient compliance cannot therefore be countenanced in the light of the above decisions.
6. Accordingly, all these Writ Petitions are allowed.
7. The impugned orders disqualifying each of the petitioners from the membership of the respective Gram Panchayats for violation of the party Whip, stand quashed and are set aside.
8. It is declared that they shall continue as elected office bearers till their tenure, if not facing any other disqualification.
9. Pending application(s), if any, shall stand disposed of.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)

Pijush/

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