

August 18, 2026
(17) ARDR

WPA 13925 of 2026

Sabir Ali & ors.
Vs.
The State of West Bengal & ors.

Adv. Samim Ahammed,
Adv. Saloni Bhattacharya,
Adv. Gulsanwara Pervin,
...for the petitioners.

Adv. Mrityunjay Chatterjee,
Adv. Usof Ali Dewan,
Adv. Arup Sarkar,
Adv. Oishita Chatterjee,
...for the private respondent.

Adv. Madhu Jana,
Adv. Puja Sonkar,
...for the State.

Supplementary affidavits submitted by the private respondent are taken on record.

The petitioners submitted a no confidence motion for removal of the Upa Pradhan of Mahanandapur Gram Panchayat pursuant to which notice of meeting was issued by the Prescribed Authority on 4th June, 2026 fixing the date of meeting on 19th June, 2026. The Block Development Block, Chanchal I Development Block, by a letter issued to the Inspector in charge, Chanchal Police Station on 4th June, 2026 requested the latter for deployment of police personnel for maintenance of law and order in the meeting convened by him. A law and order situation assessment report was requested to be furnished indicating whether the proposed meeting could be conducted smoothly and peacefully from the security and law and order perspective. In reply thereto, the Inspector in charge, by a letter issued on 16th June, 2026, expressed his inability to spare the required police force for the

meeting and requested the authority to defer the meeting to another suitable date and time so that necessary police arrangement could be ensured. Pursuant thereto, the Prescribed Authority issued a notice on 17th June, 2026 postponing the meeting scheduled to be held on 19th June, 2026. The petitioners seek a direction upon the Prescribed Authority to convene the meeting and conclude the proceeding in accordance with law.

Upon receipt of the no confidence motion, the Prescribed Authority fixed the date of meeting in terms of Sections 12(2) and 12(3) of The West Bengal Panchayat Act, 1973. The authority sought assistance from the police authority in order to avoid any breach of law and order in the said meeting. The meeting had to be postponed due to inability of the police authority to provide necessary assistance on the said date.

Learned counsel for the private respondent has placed reliance on an order passed by an Hon'ble Division Bench of this Court in MAT 1117 of 2026 dated 15th July, 2026 wherein the Hon'ble Division Bench has observed that if the meeting was postponed by the Prescribed Authority on being satisfied that there was a likelihood of breach of peace and he would be not in a position to control any act of violence, he could have rescheduled the date of the meeting. The requisition was set aside by the Hon'ble Bench with an observation that it lost its validity.

A similarly issue has been dealt with by an Hon'ble Division Bench of this Court in MAT 992 of 2022. By an

order passed on 15th July 2022, the Hon'ble Division Bench has held as hereunder:-

“Sub-section (4) contemplates a situation where the meeting called by the Prescribed Authority has to be adjourned in pursuance to an order or direction of a competent Court or for any other reason beyond the control of the Prescribed Authority. In the present case, the Prescribed Authority postponed the meeting because of non availability of adequate police personnel. To endure that there is no law and order problem, the meeting was postponed. This is a situation contemplated in Section 12(4) of The West Bengal Panchayat Act, 1973. In our view, if a meeting is adjourned for reasons beyond the control of the Prescribed Authority, the time period of thirty days prescribed in sub-section 10 of Section 12 also stands extended correspondingly. In our view, there is no material irregularity in the process followed by the Prescribed Authority. The Pradhan/ appellant has lost support of the majority. It is a democratic process. She should accept the decision of the majority.”

The fact situation of the present case is almost identical to the situation dealt with in the said order. The Prescribed Authority requested the police to provide police personnel for maintenance of law and order in the meeting with a further request to furnish a law and order situation assessment report indicating whether the proposed meeting may be conducted smoothly and peacefully from

the security and law and order perspective. In other words, the Prescribed Authority wanted to ensure that there is no breach of peace/law and order in the meeting. Since police assistance was not provided to him on the scheduled date, the meeting had to be postponed. Such situation attracts the provision of Section 12(4) of the Act and therefore the time frame of thirty days stipulated in Section 12(10) of the Act can be said to be extended correspondingly.

Another issue raised by the private respondent is that three of the requisitionists subsequently withdrew from the motion.

The Gram Panchayat comprises twenty members out of whom the motion was signed by twelve members. Even if three members subsequently recused from the said motion, motion is still in conformity with Section 12(2) of the Act since one-third of the members can still be said to have signed therein.

In the said backdrop, the Prescribed Authority and Block Development Officer, Chanchal I Development Block, being the 4th respondent herein, is directed to convene the meeting within ten days from the date of communication of this order and take the proceeding to its logical conclusion at the earliest, in accordance with law.

The Officer in charge, Chanchal Police Station, being the 6th respondent herein, is directed to render necessary assistance to the 4th respondent so that the meeting is held peacefully without any disturbance from any corner whatsoever.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)