**13.07.2026**
**rc/ct.no.15**
**Item No.19**

**WPA No. 15515 of 2026**
**Najera Khatun**
**Versus**
**The State of West Bengal & Ors.**

Mr. Sarwar Jahan
Mr. Anindya Ghosh
Mr. Souvik Das ..for the petitioner

Mr. D.N.Ray, Ld. G.P.
Mr. Madhu Jana
Mr. Subhajit Das …for the State

Mr. Gangadhar Das
Mr. Tanmoy Chattopadhyay
….for the Respondent Nos.2-22

Report submitted by the State is taken on record.

The petitioner who is the Pradhan of Sripur-I Gram Panchayat has assailed the no confidence motion submitted by the private respondents/members that the Panchayat seeking her removal on the ground of the motion received by her at her residence does not bear party affiliation of all the members/ requisitionists. Learned counsel for the petitioner produces the copy received by him which demonstrates that the party affiliation of the requisitinists in the second page of the motion is blank.

Learned counsel for the private opposite parties submits that whether copy of the notice received by the petitioner at her residence does not bear the party affiliation of all the members or whether the motion was

tampered with subsequently is a dispute of facts which cannot be decided by this Court. Since the motion sent to the petitioner in terms of Section 12(2) of the West Bengal Panchayat Act, 1973 has been received by her at the Panchayat office and bears the party affiliation of the all the requisitionists, no prejudice has been caused to the Pradhan for alleged absence of the party affiliation of some of the members in the copy of motion received by her at her residence. The petitioner is resorting to such illegal practice only for the purpose of clinging to the chair despite having lost the confidence of the members.

Section 12(2) of the Act of 1973 mandates that the motion shall be signed by 1/3 of the existing members subject to a minimum of 3 members indicating party affiliation of such members. The copy of the motion received by the petitioner at her residence demonstrates that the second page indicating party affiliation of the members is blank. The said column has not been filled up.

In view of the above, this Court is inclined to hold that the copy of motion sent to the petitioner at her residence is not in accordance with the mandate laid down under Section 12(2) of the Act of 1973. The motion is, therefore, set aside/ quashed.

The private respondents are at liberty to submit a fresh no confidence motion on the same ground before the Prescribed Authority. On receipt of such motion the Prescribed Authority shall deal with the same in

accordance with Section 12 of the Act of 1973, particularly, the time frame stipulated therein.

The Inspector in Charge, Pukhuria Police Station, being the 10th respondent herein, is directed to render necessary assistance to the Prescribed Authority so that the meeting is held peacefully and without any disturbance from any corner whatsoever.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ 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)**