20
15.07.2026
Ct. No.15
b.das

WPA 16134 of 2026

Jasmin Khatun
Vs.
The State of W. B. & Ors.

Mr. Joy Chakraborty
Ms. Ipsita Ghosh ...for the petitioner.

Mr. Gangadhar Das
Mr. Tanmoy Chattopadhyay
...for respondent nos.8,9, 11-19.

Mr. D. N. Ray
Mr. Madhu Jana
Mr. Rahul Agarwala ...for the State.

Affidavit of service filed by the petitioner is taken on record.

The petitioner who is the Pradhan of Kaliachak-II Gram Panchayat has assailed the no confidence motion submitted against her by the majority members of the Panchayat/private respondents herein on the ground that the notice of meeting issued by the Prescribed Authority is beyond the statutory period of time contemplated under Section 12 of the West Bengal Panchayat Act, 1973. The notice was issued on 23rd June, 2026, that is, beyond the period of 5 working days from the date of receipt of the motion. Date of meeting was fixed on 30th June, 2026. The meeting was postponed due to non-availability of police assistance and further date of meeting was fixed on 15th July, 2026 which is beyond 30 days from the date of receipt of the motion and therefore,

contrary to the provision laid down under Section 12 (10) of the Act.

Learned counsel for the petitioner places reliance on an order passed by an Hon'ble Division Bench of this Court on 10th July, 2026 in MAT 1104 of 2026 wherein the Hon'ble Division Bench has held that the motion becomes infructuous/bad in law in the event of violation of the time frame laid down under Section 12 of the Act.

Learned counsel for the private respondents/ requisitionists submits that the private respondents submitted a no confidence motion before the Prescribed Authority earlier pursuant to which date of meeting was fixed by the Prescribed Authority. The meeting could not be held due to lack of police assistance. Liberty was granted to the private respondents by this Court to initiate a fresh motion.

Pursuant thereto, a second motion has been initiated which is the subject matter of the present writ petition. The Prescribed Authority has been sitting silent over the motions only to render them infructuous.

Learned counsel has placed reliance on an order passed by an Hon'ble Division Bench of this Court in MAT 992 of 2022 on 15th July, 2022.

I have considered the rival contention of the parties. It is a fact that the motion was admittedly received by the Prescribed Authority on 2nd June, 2026. The said authority issued a notice of meeting only on 23rd June,

2026, that is, beyond the period of 5 working days from receipt thereof, fixing the date of meeting on 30th June, 2026. The meeting could not be held due to lack of police assistance and was postponed to 15th July, 2026.

The Hon'ble Division Bench, in the order passed in MAT 992 of 2022 has dealt with a similar issue wherein the date of meeting was fixed within 30 days from the date of receipt of the motion but the entire process was not completed within the said time. The observation of the Hon'ble Division Bench is set out:

> "Sub-section 4 contemplates a situation where the meeting called by the Prescribed Authority has to be adjourned in pursuance of 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 ensure 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 30 days prescribed in sub-Section 10 of Section 12 also stand extended correspondingly. In the present case, the meeting was held on June 29, 2022 which was within 30 days of the receipt of requisition by the Prescribed Authority. We disagree with the submission made on behalf of the appellant that the meeting was held beyond 30 days as, in our view, the date of receipt of the requisition of the Prescribed Authority has to be excluded in computing the 30 days period. In our view, there is no material irregularity in the process followed by the Prescribed Authority. The Pradhan/appellant has lost the support of the majority. It is a democratic process. She should accept the decision of the majority."

The proposition of law laid down therein is squarely applicable in the fact situation of the present case. The motion was received by the Prescribed Authority on 2nd June, 2026 and date of meeting was fixed on 30th June, 2026, that is, within the period of time prescribed under Section 12(10) of the Act. The meeting could not be held due to non-availability of adequate police assistance.

Section 12(4) of the Act comes into play in this situation where the meeting called by the Prescribed Authority has to be adjourned for reason beyond control of the said authority. The Hon'ble Division Bench has held that in such a situation, the time period of 30 days prescribed in sub-section 10 of the Act also stands extended correspondingly. Therefore the meeting fixed today, that is, on 15th July, 2026 cannot be said to be beyond the statutory period of time or in derogation of the provision laid down under Section 12 of the Act.

Moreover, the earlier motion was frustrated since the Prescribed Authority failed to act in terms of Section 12 of the Act. This is the second motion submitted by the members. On every occasion, the motion cannot be rendered invalid due to deliberate violation by the Prescribed Authority and on no fault of the members.

It is pertinent to mention here that the order passed by the Hon'ble Division Bench in MAT 992 of 2022 is prior to the order passed in MAT 1104 of 2026.

In view of the above, this Court is inclined to hold that the process followed by the Prescribed Authority does not suffer from any illegality/irregularity and does not require interference by this Court.

The writ petition is devoid of any merit and is accordingly dismissed.

Since it is a democratic process and the petitioner appears to have lost confidence of the majority of the members, she should accept the decision of majority.

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.

All parties shall act on the server copy of the order duly downloaded from the official website of this Court.

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

(Suvra Ghosh, J.)