

20.07.2026
rc/ct.no.15
Item No.18

WPA No. 16700 of 2026
Janbir Hossain Khan & Ors.
Versus
The State of West Bengal & Ors.

Mr. Sarwar Jahan
Mr. Gourav Dar
Mr. Asraf Mandal
Ms. Shalini Sen
Ms. Sahina Parvin ..for the petitioners

Mr. Anirudha Bagchi
Mr. Deo Nath Sarkar ...for the State

Mr. Oishik Chatterjee
Mr. Amanul Islam
Mr. Gourav Roy
Mr. Sourav Mukherjee
...for the Private Respondent No.10

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

The petitioners who are the members of Natidanga-II Gram Panchayat submitted a no confidence motion for removal of the Pradhan of the Panchayat before the Prescribed Authority on June 17, 2026 which was received by the latter on the same date. The Prescribed Authority, by a notice issued on June 23, 2026, fixed the date of meeting on July 07, 2026. However, by a subsequent notice issued on July 07, 2026, the meeting was cancelled due to non-availability of police force which was informed by the Officer-in-Charge, Thanarpara Police Station by email dated July 06, 2026. The petitioners seek a direction

upon the Prescribed Authority to convene the meeting and conclude the proceeding in accordance with law.

Learned counsel for the private respondent/Pradhan submits that since the meeting was convened and thereafter cancelled, a second meeting cannot be convened by the Prescribed Authority within one year.

Section 12(11) of the West Bengal Panchayat Act, 1973 enumerates that if the motion is not carried by the majority of its existing members or the meeting cannot be held for want of quorum, no notice of any subsequent motion for the removal of the same office bearer shall be taken into cognizance within a period of one year from the date appointed for such meeting. The fact situation of the present case can be distinguished from that of the situation contemplated in Section 12(11) of the Act. Herein, the meeting could not be held at all due to non-availability of police assistance and cancellation of such meeting was notified by the Prescribed Authority by a notice issued on the date of meeting, i.e., on July 07, 2026. Therefore the question of the motion not being carried by the majority of its existing members or meeting being postponed for want of quorum does not arise. Since the meeting could not be held due to non-availability of police assistance, Section 12(4) of the Act comes into play. The said provision says that a meeting can be adjourned or cancelled for reason beyond the control of the Prescribed Authority. Non-availability of police assistance can

definitely be termed as a reason beyond the control of the Prescribed Authority. An Hon'ble Division Bench of this Court, in an order passed in MAT No. 992 of 2022 on July 15, 2022, has dealt with a similar situation where the Prescribed Authority postponed the meeting due to non-availability of adequate police assistance and has observed that the time period of 30 days prescribed under Section 12(10) of the Act would stand extended correspondingly.

In view of the above, the time frame laid down under Section 12 of the Act which has expired on July 16, 2026 is deemed to have been extended.

The Prescribed Authority and Block Development Officer, Karimpur-II Development Block, being the 5th respondent is directed to convene the meeting within 10 days from the date of communication of this order upon service of notice to the concerned parties and take the proceeding to its logical conclusion at the earliest, in accordance with law.

The Officer in Charge, Thanarpara Police Station, being the 8th respondent herein, is directed to render necessary assistance to the 5th respondent 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)