

20
25.08.2026
Ct. No.15
b.das

WPA 21438 of 2026

Samar Kumar Das & Ors.
Vs.
The State of W.B. & Ors.

Mr. Robiul Islam
Mr. Jayed Hossain ...for the petitioners.

Ms. Anita Kundu
Mr. Swapnamoy Sarkar ...for the State.

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

The Upa Pradhan is not represented despite service.

The petitioners who are members of Mahesail II Gram Panchayat submitted a no confidence motion for removal of the Upa Pradhan of the Panchayat before the Prescribed Authority on 31st July, 2026 which was received by the latter on the same date.

By a notice issued on 6th August, 2026 the Prescribed Authority fixed the date of meeting on 14th August, 2026. However, by a subsequent notice issued on 12th August, 2026, the meeting was cancelled due to non-availability of police assistance.

The petitioners seek a direction upon the Prescribed Authority to convene the meeting and conclude the proceeding in accordance with law.

Pursuant to the no confidence motion submitted by the petitioners, the Prescribed Authority fixed the date of

meeting on 14th August, 2026 and made a communication to the police authority to deploy adequate police force for enforcement of law and order in the premises of the Upa Pradhan of the Panchayat on the date of meeting. Since such assistance was not provided by the police authority, the Prescribed Authority was constrained to cancel the meeting. Such a situation is contemplated under Section 12(4) of the West Bengal Panchayat Act, 1973 and can be termed as a reason beyond control of the Prescribed Authority.

A similar issue has been dealt with by an Hon'ble Division Bench of this Court in MAT 992 of 2022 wherein by an order passed on 15th July, 2022 the Hon'ble Division Bench has held that if a meeting is adjourned for reasons beyond control of the Prescribed Authority, the time period of 30 days prescribed under Section 12(10) of the Act also stands extended correspondingly.

In view of such proposition of law laid down by the Hon'ble Division Bench, the Prescribed Authority and Block Development Officer, Suti-II Block, being the 3rd respondent herein, is directed to convene the meeting within 10 days from the date of communication of this order upon service of notice to the relevant parties and take the proceeding to its logical conclusion at the earliest, in accordance with law.

The Inspector in Charge of Suti Police Station, being the 4th respondent herein, is directed to render necessary

assistance to the 3rd respondent so that the meeting is held peacefully and without any disturbance from any corner whatsoever.

The writ petition is disposed of accordingly.

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.)