

September 14, 2026
(19) ARDR

WPA 24196 of 2026

Habiba Khatun & ors.
Vs.
The State of West Bengal & ors.

Adv. Biswarup Mukherjee,
Adv. Tanumoy Kar,
...for the petitioners.
Adv. Wasim Akram,
...for the respondent no.8.
Adv. Nilanjan Bhattachaya,
Adv. Mary Datta,
Adv. Joy Ranjan Dhar,
...for the State.

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

The petitioners have assailed the order passed by the Sub Divisional Officer, Chanchal and the Prescribed Authority under Section 11(1)(d) of The West Bengal Panchayat Act, 1973 on 12th August, 2026 directing their removal from the office of Malior II Gram Panchayat with effect from the date of order.

Learned counsel for the petitioners submits that the petitioners along with other members submitted a no confidence motion for removal of the Pradhan under Section 12 of the Act following which the application under Section 11(1)(d) of the Act was submitted against the petitioners as a retaliation. No notice of the meetings was served upon the petitioners which is the ground for their non appearance in the said meetings. A clarification of the Additional District Magistrate (Panchayat) Malda dated 8th August, 2026 has been relied upon by the Prescribed

Authority in the order impugned, copy of which has not been made over to the petitioners.

Learned counsel for the State denies and disputes the allegation raised by the petitioners.

It appears that the order impugned is appealable. It was passed in presence of the parties. Though the petitioners submitted that reply to the show cause issued upon them was not considered by the authority in dealing with the issue, such grievance can be canvassed by the petitioners before the appellate forum.

On prayer of the petitioners, liberty is granted to approach the appellate forum challenging the order impugned, in accordance with law.

The State is directed to make over copy of the clarification of the Additional District Magistrate (Panchayat) Malda dated 8th August, 2026 to the petitioners by 16th September, 2026.

No fruitful purpose shall be served by keeping the writ petition pending. The same 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.)