

Sl. No.05
17.03.2025
Suman
Ct. 39

WPA 5965 of 2025

Saptami Mondal and Ors.
Vs.
The State of West Bengal and Ors.

Mr. Robiul Islam
Mr. Raju Mondal
Mr. M. Rahman
..for the petitioners

Mr. Santanu Kumar Mitra
Mr. Subhabrata Das
..for the State

Affidavit of service fled on behalf of the petitioners
is taken on record.

This writ petition has been filed for cancellation and
or withdrawal of the purported notice of motion dated
February 28, 2025 issued by the prescribed authority and
Block Development Officer, Nabagram Block,
Murshidabad.

Mr. Rabiul Islam, learned advocate appearing for
the petitioners submits that by way of a single notice of
meeting on motion for removal of members and
sanchalaks of *Upa-Samitis* of Gram Panchayat, Form 1F
notice has been issued under Rule 17(6)(c), 18(6) (c) and
22(4)(c) of the West Bengal Panchayat (Constitution)

Rules, 1975. He indicates that there has to be separate form of notice of meeting on motion for removal of each members and *sanchalaks*. Hence, the notice of meeting on motion for removal dated February 28, 2025 is bad in law. In support of his contention, he relies on the decision of this Court passed in **WPA 4367 of 2023 (Mantu Sarkar & Ors. versus The State of West Bengal and Ors.)**. He seeks for cancellation of impugned notice.

Mr. Santanu Kumar Mitra, learned Senior Government Advocate appearing for the State submits that Rule 22(4)(f) of the West Bengal Panchayat (Constitution) Rules, 1975 provides that if the meeting is convened to consider the motion to remove more than one member or *sanchalak* of one *Upa-Samiti* or more than one *Upa-Samiti*, the motion shall be taken up for consideration one after another in the same order as mentioned in sub-Section (2) of 32A. Therefore, there is no flaw in issuing such notice of meeting issued by the Block Development Officer. He further submits that the requisition of '*no confidence motion*' dated November 21, 2024, which is challenged in the present writ petition, has lost its force in view of Rule 22(4)(d) which provides that meeting for taking decision on the motion has to be convened not later than 15 days of receipt of motion by the authority concerned which has already elapsed. There is suppression of facts by the petitioners. A subsequent requisition has been made on 22nd February, 2025 which

has been suppressed in the writ petition. On such score only, the writ petition is liable to be dismissed. He places relevant documents which are taken on record. He informs this Court that the prescribed authority and the Block Development Officer of the concerned block has issued separate notices for meeting for removal of the *Sanchalaks* and members. He also indicates that such notices have been served through post as well as by hand. Some of them have refused to accept the notice.

It is a fact that the requisition dated November 21, 2024 has lost its force since as per Rule 22(4)(d) of the West Bengal Panchayat (Constitution) Rules, 1975, the Block Development Officer is to convene the meeting on a working day which shall not be later than 15 days from the date of receipt of motion by the authority concerned. It is found from the documents placed by the State-respondents that on 22nd February, 2025 another requisition has been made, on the basis of which, a notice of meeting has been issued by the Block Development Officer on 28th February, 2025. It is not in dispute that the subsequent requisition has not been mentioned in the writ petition. Be that as it may, the notice of meeting on motion for removal of members is challenged in the present writ petition. By a single notice, removal of four *Sanchalaks* and five members of the respective *Upa-Samiti* have been proposed for taking a decision for their removal.

This Court in *Mantu Sarkar (supra)*, in a similar situation wherein by way of a single notice, a single meeting for removal of all *sanchalaks* of all the three *Upa-Samitis* was notified and the Co-ordinate Bench has taken note of the irregularity and that separate meetings for removal of *Sanchalaks* of different *Upa-Samitis* ought to be notified and separate notices should have been prescribed by the authority with separate timings of the meeting and the notice was set aside.

Since the notice has not been issued separately for each of the members and the *Sanchalaks* who have been proposed to be removed, the form of notice of meeting on motion for removal issued by respondent no.5 prescribed authority and the Block Development Officer dated 28th February, 2025 is set aside.

It is informed that separate notices for convening meeting have been issued by respondent no.5, Block Development Officer.

Accordingly, respondent no.5 prescribed authority and the Block Development Officer is directed to act on the basis of notice of meeting on motion for removal of members and *Sanchalaks* under Form 1F if issued separately for holding separate meetings in accordance with law.

With the aforesaid observations, **WPA 5965 of 2025** is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Bivas Pattanayak, J.)