

09.09.2025
Sl. No.184(DL)
Ct. No.42
srm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 22140 of 2024

Sk. Babar Ali & Ors.

Versus

The State of West Bengal & Ors.

Mr. Subhabrata Chowdhury,
Ms. Tripti Pandey,
Mr. Tarun Kumar Poddar

...for the Petitioners.

Ms. Sipra Mazumder,
Ms. Pratima Ghatak,
Mr. Tanweer J. Mandal

...for the State.

1. Exception to report of the State respondent No.2, filed by the petitioners is taken on record. Copy served.
2. By the present writ petition, the petitioners seek direction upon the respondent No.2, Block Development Officer, Kalna-I Development Block to forthwith take steps in terms of Section 12 of the West Bengal Panchayat Act, 1973 (*hereinafter referred to as the Act of 1973*) for removal of Pradhan of Sultanpur Gram Panchayat.
3. The petitioners contend that they are the elected members of the Sultanpur Gram Panchayat. The petitioners made representation before the respondent Nos.2 to 4 herein, *inter alia*, expressing

their lack of confidence on respondent No.5, who is the Pradhan of Sultanpur Gram Panchayat on account of non-cooperation by the said respondent in implementation of government projects allotted to the said gram panchayat. However, no steps have been taken by the respondent No.2, Block Development Officer under Section 12 of the Act of 1973. Hence, this writ petition.

4. Mr. Subhabrata Chowdhury, learned Advocate for the petitioners submits that the respondent No.2 ought to have taken steps for removal of the Pradhan, who is not actively taking steps for implementation of the government projects. The respondent no.2, Block Development Officer has failed to take steps in terms of Section 12 of the Act of 1973 in accordance with the *no confidence motion* submitted by the petitioners. He seeks for appropriate direction upon respondent No.2, Block Development Officer, Kalna-I Development Block.
5. On the contrary, Mr. Tanweer J. Mandal, learned Advocate for the State submits that the election of the Pradhan has been held after July, 2023 and the *no confidence motion* has been submitted by the petitioners in August, 2024. Sub-section (12) of Section 12 of the Act of 1973 precludes the majority members from bringing a *no confidence motion* against a Pradhan unless a period of two and a half years expires from the date of his election. In

support of his contention, he relies on the decision of the Hon'ble Division Bench of this Court passed in ***The Pradhan, Mahishbathani Gram Panchayat & Anr. versus Mantu Sarkar & Ors.*** (In Re: ***MAT 1898 of 2022***).

6. In order to appreciate the aforesaid issue, it would be profitable to reproduce sub-section (12) of Section 12 of the Act of 1973 as hereunder:

“(12) Notwithstanding anything contain in sub-section (1), no meeting for removal of the Pradhan or the Upa-Pradhan under this section shall be convened within a period of two and a half years from the date of election of the Pradhan or the Upa-Pradhan either at the first meeting following reconstitution of Gram Panchayat or for filling causal vacancy in the said office.”

7. Upon bare reading of the aforesaid provision it manifests that no meeting for removal of Pradhan or Upa-Pradhan under this section shall be convened within a period of two and a half years from the date of election of the Pradhan or the Upa-Pradhan. It is undisputed that the Pradhan of the said Gram Panchayat has been elected after July, 2023 and the *no confidence motion* has been submitted by the petitioners on 14th August, 2024 and 20th August, 2024. Thus, the *no confidence motion* of the petitioners for removal of the Pradhan has been made within a period of two and a half years. Such being the position, the writ petition falls short of merit.
8. Accordingly, writ petition being ***WPA 22140 of 2024*** stands dismissed.

9. Interim order, if any, stands vacated.
10. All connected applications, if any, stand disposed of.
11. There shall be no order as to costs.
12. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
13. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)