

24.03.2026
Item No.17
Court No.12
CP

MAT 384 of 2026
with
CAN 1 of 2026

Saddam Hossain
Vs.
The State of West Bengal & Ors.

Mr. Robiul Islam
Mr. Shamim ul Bari

.....for the Appellant.

Md. Ahsanuz Zaman
Md. Abu Reja Jaglul Kabir

.....for the State.

The appellant has preferred this appeal being aggrieved by an order dated February 17, 2026, only to the extent that the matter has been made returnable in the monthly list of May, 2026.

We find that the order of the Sub-Divisional Officer, Malda Sadar as well as the District Magistrate, Malda were under challenge in the writ petition. The application of the appellant under Section 213A of the West Bengal Panchayat Act, 1973, seeking a declaration that the respondent nos. 8 and 9 in the writ petition stood disqualified as members of the Kaliachak-II Panchayat Samity, was not entertained by the statutory authorities.

Prima facie, His Lordship was of the view that the ground for rejection may not be tenable in law. This was an observation in favour of the appellant. However, His Lordship was of the view that an opportunity should be granted to the State respondents, namely, the officers who had rejected the application of the writ petitioner to file a report. His Lordship made the matter returnable in the monthly list of May, 2026. We are unable to appreciate how the appeal is maintainable. Only because the appellant is of the view that the date should be preponed, we cannot interfere with the order. Unless there is illegality or perversity in the order of a learned trial judge, the Division Bench in an intra-court appeal should be slow to interfere.

Accordingly, the appeal is dismissed. The connected application being CAN 1 of 2026 is also disposed of.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)