

Item No.23
17.03.2026
Court. No. 12
GB/Sandip

MAT 451 of 2026
With
CAN 1 of 2026

Nabanita Mandal @ Nabaneeta Mandal
Vs.
The State of West Bengal & Ors.

Mr. Mrityunjay Chatterjee,
Mr. Manas Das

...for the Appellant.

Mr. Gangadhar Das,
Mr. Tanmoy Chattopadhyay

...for the Respondents .

Mr. Swapan Banerjee,
Mr. Manas Kumar Sadhu

...for the State.

1. Leave is granted to the learned advocate for the appellant to correct the cause title.
2. The appeal arises out of an order dated March 6, 2026 passed in WPA 5149 of 2026. The learned Single Judge directed the Block Development Officer, Old Malda Development Block to take necessary steps in terms of provisions of Section 12 of the West Bengal Panchayat Act, 1973 (hereinafter referred to as the 'said Act') positively within 10 days in accordance with law. The learned court further directed that the Block Development Officer shall take sufficient steps for deployment of sufficient number of police personnel at the time of the meeting so that the meeting is held peacefully and law and order is maintained.

3. The writ petition was filed by the respondent nos.9 to 17, inter alia, alleging inaction on the part of the Block Development Officer, being the prescribed authority, to act in terms of Section 12(3) of the said Act. The requisitionists approached the writ court and the writ court upon taking note of the fact that the Block Development Officer was busy with the SIR process, had directed Block Development Officer to take necessary steps under Section 12 of the said Act positively within 10 days, i.e., from the date of the order, in accordance with law.
4. The appellant before us is the Pradhan. The motion of no confidence was brought against the Pradhan.
5. Mr. Das, learned advocate for the requisitionists specifically submits that the right to remove the Pradhan is a democratic right vested upon the members. The members brought a requisition notice in terms of the Act. The prescribed authority failed to act in accordance with law and the writ court had rightly entertained the writ petition, thereby, directing the prescribed authority to proceed in accordance with law. He further submits that the Pradhan, who has lost the confidence of the majority of the members, did not have a right to remain in office for a single day.
6. The learned advocate for the Pradhan submits that the order of the writ court suffers from various

irregularities. First and foremost, Section 12(3) of the said Act provides that the prescribed authority shall, within 5 working days from receipt of the motion, convene a meeting of the Gram Panchayat to be held in his office, fixing the date and hour of the meeting and sending such notice at least with 7 clear days to each of the existing members for consideration of the motion and for taking a decision on it. Section 12(4) provides that the meeting shall not be held later than 15 working days from the receipt of the motion by the prescribed authority.

7. It is further contended that the entire process of issuing notice, holding the meeting and reaching the meeting to its logical conclusion and finalizing the minutes by preparing a report, should be completed within 30 days from the receipt of the notice.
8. Under such circumstances, it is urged that the order of the learned single Judge amounted to rewriting the statute by directing the prescribed authority to act and proceed beyond the statutory time frame.
9. Mr. Das submits that the requisitionists brought the motion on 16th February, 2026. The notice was received by the prescribed authority on February 19, 2026. The 30 days period would expire on March 21, 2026. Under such circumstances, as the outer limit prescribed by law has not expired, the learned trial Judge cannot be held to be in error.

10. The scope of an intra-court appeal is restricted to the adjudication of jurisdictional error or perversity. The appeal Court should not go beyond the findings of the learned trial Judge, by substituting its own views.
11. Mr. Banerjee learned Advocate for the state submits that the prescribed authority must act in accordance with law.
12. Heard the parties. Section 12 of the said Act deals with the motion of no confidence for removal of the Pradhan or Upa-Pradhan. Section 12(1) provides that the Pradhan or Upa-Pradhan of the Gram Panchayat may, at any time be removed from his office by majority of the existing members of the Gram Panchayat, expressing their lack of confidence against the Pradhan or Upa-Pradhan or by recording the decision to remove the Pradhan or Upa-Pradhan, **“at a meeting specially convened for the purpose”**. For the purpose of removal of the Pradhan or Upa-Pradhan one third of the existing members subject to the minimum of three members, shall sign a motion in writing expressing their lack of confidence against the Pradhan or Upa-Pradhan or recording their intention to remove the Pradhan or Upa-Pradhan, by indicating the party affiliation or independent status of each of the members. The said motion shall be delivered in person or through any

member or by registered post to the prescribed authority. One copy of the motion shall be delivered to the concerned office bearer either by hand or by registered post of the Gram Panchayat office. Another copy of the motion shall be sent by registered post at the residential address of the office bearer sought to be removed. Sub-section (3) provides that the prescribed authority on receipt of the motion shall satisfy himself that the motion conformed to the requirement of sub-section (2) of Section 12. On being satisfied, the notice convening the meeting will be sent within five working days from the receipt of the motion. Before the meeting is held clear seven days notice to each of the existing members shall be given for consideration of the motion and for taking a decision on it. Thus, Section 12(3) provides time frames. The prescribed authority was required to satisfy himself about the compliance of the sub-Section (2) of Section 12 and convene a meeting by issuing a notice within five working days from the receipt of the motion. Thus, the meeting was to be called within five working days from 19th February, 2026 upon recording satisfaction that the motion was in order. The B.D.O. did not do so and the writ petition was filed.

13. The learned trial Judge extended this period by directing that steps to be taken within 10 working

days, ie, within 16th March, 2026 and the meeting must be held with police assistance. The learned Judge overlooked the time frame and the step by step actions that are to be taken by the prescribed authority before holding the meeting. The entire process under Section 12 has to be completed within 30 days. The learned Single Judge did not provide the period within which the notice should be issued and the meeting should be held. The time limits under Section 12(3), (4) and 10 are mandatory.

14. The relevant provisions are quoted below:-

“12. Motion of no confidence or removal of Pradhan or Upa-Pradhan.-

(1) Subject to other provisions of this section, the Pradhan or the Upa-Pradhan of a Gram Panchayat may, at any time, be removed from his office by the majority of the existing members of the Gram Panchayat, referred to in clause (i) of subsection (2A) of section 4, expressing their lack of confidence against the Pradhan or the Upa-Pradhan or recording their decision to remove the Pradhan or the Upa-Pradhan, at a meeting specially convened for the purpose.

(2) For the purpose of removal of the Pradhan or the Upa-Pradhan, one-third of the existing members referred to in subsection (1) subject to a minimum of three members shall sign a motion in writing expressing their lack of confidence against the Pradhan or the Upa-Pradhan or recording their intention to remove the Pradhan or the Upa-Pradhan, indicating party affiliation or independent status of each of such members and either deliver the motion in person through any of the members or send it by registered post to the prescribed authority; one copy of the motion shall be delivered to the concerned office

bearer either by hand or by registered post at the Gram Panchayat office and another copy shall be sent by registered post at his residential address.

(3) The prescribed authority on receipt of the motion shall satisfy himself that it conforms to the requirements of sub-section (2) and on his satisfaction shall specially convene, by issue of notice, within five working days of the receipt of the motion, a meeting of the Gram Panchayat to be held in its office fixing date and hour of the meeting and sending such notice at least before clear seven days to each of its existing members for consideration of the motion and for taking a decision on it.

(4) The meeting referred to in sub-section (3) shall be held on a working day which shall not be later than fifteen working days from the date of receipt of the motion by the prescribed authority and the meeting so convened shall not be adjourned or cancelled except in pursuance of an order or direction of a competent court or for any other reason beyond control of the prescribed authority.

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(10) On receipt of the minutes of the meeting and the report under sub-section (9), the prescribed authority shall, within next five working days, take such action as he may deem fit and the entire process commencing from submission of motion to the prescribed authority up to the action finally taken by him shall be completed within thirty days."

15. It is also evident from the language of Section 12(4) that the meeting referred to under Section 12(2) shall not be held beyond 15 working days from the date of receipt of motion by the prescribed authority. The court further extended the time by allowing

further 10 days from the 6 March, 2026. By the time the order was passed, the time period prescribed under 12(4) had expired. The language used in section 12(4) makes the time period of 15 working days for holding the meeting mandatory.

16. It further appears to this Court that the meeting has been fixed on March 23, 2026, as per the document produced before the Court. The document is not disputed. This period is beyond 30 days as contemplated under Section 12 (10) and the meeting cannot be held. Section 12(10) provides that the entire process has to be completed within 30 days, that is, not only holding of the meeting but also forwarding of the minutes of the meeting, by the presiding officer, submission of a separate report in writing with a copy of the, minutes of the meeting and taking such action as the prescribed authority may deem fit. Under such circumstances, the learned Court failed to consider the mandatory time limits specified under each sub-section of Section 12. This motion loses its validity after a period of 30 days.
17. Under such circumstances, the order impugned is set aside. However, the right of the requisitionists to remove the Pradhan is a legal and democratic right. The requisitionists shall be at liberty to bring another motion in accordance with law and the

prescribed authority is directed to comply with the provision of law without unnecessarily delaying the issue, for whatever reason. The prescribed authority is the creature of a statute and cannot make excuses for his inaction. We take judicial notice of his failure in the first round. Accordingly, the appeal and the connected application are disposed of.

18. It is made clear that the Pradhan will not adopt any tactics to avoid service of the motion. If the motion is in order, the meeting will be held and the police authorities will provide adequate protection/assistance.
19. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)