

30.03.2026
SL No.21
Court No.12
(gc)

MAT 545 of 2026
CAN 1 of 2026

Kajala Khatun @ Kajala Khatun Bibi
Vs.
The State of West Bengal & Ors.

Mr. Oishik Chatterjee,
Mr. Raja Das,
Mr. Gourav Roy

...for the Appellant.

Mr. Robiul Islam,
Mr. M. Rahaman,
Mr. Kazi Ardan

... for the Respondents.

Mr. Ansar Mondal, Ld. AGP,
Mr. Tarak Karan

...for the State.

1. The petitioner is the Pradhan of 12 No. Juranpur Gram Panchayat. The petitioner is aggrieved by the order dated March 18, 2026 passed in WPA 5399 of 2026. Her Lordship directed the Block Development Officer/prescribed authority to convene a meeting in terms of Section 12(3) of the West Bengal Panchayat Act by issuance of a notice within 5 days from the date of the order. The order was passed on March 18, 2024. The notice was issued subsequently and the meeting has been fixed on April 17, 2026.
2. The Pradhan is aggrieved on account of non-compliance of the provisions of Section 12 (2) which mandates that the requisitionist shall send a copy of the requisition to the residential address of the Pradhan. It is submitted

that such compliance was not available in the writ petition and the Block Development Officer/prescribed authority had specifically filed a report alleging that there was non-compliance with the provisions of Section 12(2) of the Panchayat Act. Her Lordship, however, recorded that provisions had been complied with. However, the issue that a copy of the requisition was not sent to the residential address of the Pradhan under the provisions of Section 12 (2) was not taken note of, which is the mandatory requirement of law. Moreover, we find that the meeting has been scheduled to be held on April 17, 2026 which is way beyond the statutory period of 30. This is in violation of Section 12(10) of the Panchayat Act. The outer limit to complete the entire process and for filing a report with regard to the consequence of the vote of no confidence is 30 days from the date of receipt of the requisition by the prescribed authority.

3. Under such circumstances, we set aside the order of Her Lordship as also the notice of the meeting dated March 24, 2026. The meeting will not be held on the basis of such notice.
4. The requisition motion has become infructuous in view of efflux of time. The provisions of Sections 12(2), 12(3) and 12(10) are set out hereunder:-

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

(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.

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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.”

5. All these provisions provide for specific timelines and they are mandatory.
6. It has been specifically provided that the meeting cannot be held later than 15 working days from the date of receipt of the requisition/notice of motion by the prescribed authority. It is an admitted case that the

notice was received by the prescribed authority on February 24, 2026 and as such the meeting cannot be held on April 17, 2026.

7. The requisitionists are permitted to bring fresh requisition in accordance with law, which shall be immediately acted upon by the prescribed authority and steps shall be taken by the prescribed authority in accordance with law upon being satisfied with the compliance of Section 12(2) of the Act. The timelines mentioned under the provisions of the Act, as discussed hereinabove, shall be maintained. No further excuses shall be given by the prescribed authority as a justification for not acting in terms of the statute.
8. In the event protection is required from the police authorities, the prescribed authority may seek assistance.
9. Accordingly, the appeal and the connected application are disposed of.
10. There shall be no order as to costs.
11. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)