

08 **26.05.
2026**

Ct. No. 2

Ab

WPA 11605 of 2026

**Kuddus Ali @ Md. Kuddus Ali
Vs.**

The State of West Bengal and others

Mr. Debapriya Majumder.

... for the petitioner.

Mr. Chittapriya Ghosh.

... for the respondent nos. 7 & 8.

Mr. Pradip Banerjee,

Mr. Shubham Maharwat.

... for the respondent nos. 21 to 32.

1. The writ petitioner, respondent nos. 7 and 8 and the respondent nos. 21 to 32 are represented by their respective learned Advocates.
2. In this writ petition, a No Confidence Motion dated May 18, 2026, as submitted by some of the private respondents, who are the members of the relevant Panchayat Samiti, is impugned.
3. At the time of hearing, Mr. Debapriya Majumder, learned Advocate appearing for the writ petitioner, at the very outset draws attention of this Court to Section 101 of the West Bengal Panchayat Act, 1973 (in short 'said Act'). It is submitted that Section 101(2) of the said Act postulates that in order to bring a 'No Confidence Motion', one-third existing members of the relevant Panchayat Samiti must sign the Motion in writing expressing their lack of confidence against the Sabhapati of the

Samiti. At this juncture, attention of this Court is drawn to the impugned motion dated May 18, 2026. It is submitted that on perusal of the first paragraph of the said 'No Confidence Motion' dated May 18, 2026, it would reveal that in the said Motion dated May 18, 2026 not only the issue of 'No Confidence' was raised but also an aspersion was deferred against the writ petitioner regarding his activity, which tantamounts to stigma.

4. In course of the submission, Mr. Majumder places his reliance upon the judgment dated February 3, 2023 as passed by the Division Bench of this Court in MAT 29 of 2023 (**Razia Sultana vs. The State of West Bengal & Ors.**), it is submitted that paragraph 29 of the judgment of Razia Sultana (**supra**) clearly postulates that a 'No Confidence Motion' must not contain any stigma and in the event a 'No Confidence Motion' contains any such stigma that will not be considered as a valid Motion within the meaning of Section 101 (2) of the said Act.
5. It is submitted further that on perusal of the first paragraph of the Motion in question it would reveal that it is the aspersion of the some of the private respondents herein that the writ petitioner failed to discharge his duty towards the fullest satisfaction, which tantamount to stigma and, therefore, the

impugned Motion is contrary to the law as enunciated in the case of Razia Sultana (**supra**).

6. Per contra, Mr. Chittapriya Ghosh, learned Advocate appearing for the respondent nos. 7 and 8, submits before this Court that pursuant to the impugned 'No Confidence Motion', the jurisdictional Sub-Divisional Officer has called for a meeting and in absence of any challenge to the said notice as issued by the Sub-Divisional Officer regarding conduct of a meeting pursuant to the said 'No Confidence Motion', the writ petition has become infructuous.
7. In his next limb of submissions, Mr. Ghosh further contended that the judgment of Razia Sultana (**Supra**) is distinguishable from the facts and circumstances in the instant case inasmuch as in the alleged 'No Confidence Motion', the private respondents have expressed their mere displeasure regarding the action of the writ petitioner as Sabhapati of the Panchayat Samiti, which, by no stretch of imagination, can be termed as 'stigma'.
8. Learned Advocate appearing for the respondent nos. 21 to 32, however, supports the case of the writ petitioner.
9. For effective adjudication of the instant writ petition, this Court at the very outset proposes to look to Section 101 of the said Act, which reads as

under:

“101. Motion of no confidence or removal of
Sabhapati or Sahakari Sabhapati.-

(1)

(2) *For the purpose of removal of the Sabhapati or the Sahakari Sabhapati, one-third of the existing members referred to in sub-section (1) shall sign a motion in writing expressing their lack of confidence against the Sabhapati or the Sahakari Sabhapati or recording their intention to remove the Sabhapati or the Sahakari Sabhapati, 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 Panchayat Samiti office and another copy shall be sent by registered post at his residential address.*

(3)

(4)

(5)

(6)

(7)

(8)

(9)

(10)

(11)

(12)”

10. Since heavy reliance has been placed upon the reported decision of Razia Sultana (**supra**), this Court proposes to look to paragraph 29 of the said judgment, which reads as under:

“in the present case the allegation in the notice is that the Pradhan is not discharging her duties transparently and consequently in the opinion of the requisitionists, the development work of the Panchayat is being disrupted. This is the reason why the requisitionists have expressed their lack of confidence in the writ petitioner. In our view the allegation of lack of transparency on

the part of the Pradhan is a serious allegation which may include an innuendo that the Pradhan is involved in clandestine deals for self-aggrandisement or that the Pradhan does not act fairly or honestly, as a result whereof the residents of the villages under the concerned Panchayat have suffered because of disruption of development work in the locality. These are possible imputations or inferences that can be drawn from the allegations made in the removal notice. If these allegations do not amount to stigma, we do not know that would. These allegations clearly mean that the Pradhan is unfit for the post and is a person of dubious character.”

11. Keeping in mind the abovementioned legislative provision and the proposition of law as enunciated in the case of Razia Sultana (**supra**), if I look to the alleged ‘No Confidence Motion’ dated May 18, 2026, it reveals that the private respondents, who have brought the ‘No Confidence Motion’ merely expressed their displeasure regarding the action of the writ petitioner as Sabhapati of the Panchayat Samiti. It further appears that within the four corners of the said notice, the said private respondents made no aspersion against the writ petitioner regarding his transparency and/or capacity to act as a Sabhapati of the relevant Panchayat Samiti.
12. In considered view of this Court, the reported decision of Razia Sultana (**supra**) is dealing with a different aspect wherein it has been clearly observed the Division Bench of this Court that a ‘No

Confidence Motion' must not contain any stigma and/or the allegations made in the 'No Confidence Motion' must not tantamounts to stigma.

13. In view of the discussions made herein above, this Court, thus, finds no reason to disturb the impugned No Confidence Motion dated May 18, 2026.

14. With the aforementioned observations, WPA 11605 of 2026 is dismissed.

15. There shall, however, be no order as to costs.

16. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Partha Sarathi Sen, J.)