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29.05.2026
Ct. No.8
Vacation Bench
rc/dc

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION

MAT 931 of 2026
With
CAN 1 of 2026

Arfatan Mondal & Ors.
Vs.
Sahana Biswas & Ors.

Mr. Anjan Bhattacharya,
Mr. Shahan Shah,
Mr. Soumen Barman ...for the Appellants.

Mr. Golam Mastafa,
Mr. Tarasankar Samanta ...for the Respondent No.1.

Mr. D. N. Ray, Ld. G.P.,
Mr. Bijitesh Mukherjee,
Mr. Guddu Singh ... for the State.

1. Affidavit-of-service filed by the appellants be kept with the record.
2. This appeal along with the application is taken up for hearing with consent of the parties.
3. This appeal is preferred by the private respondents in the writ petition being WPA 11768 of 2026.
4. Learned counsel appearing for the private respondents/appellants submits that the writ petitioner has challenged the order passed by the Sub-Divisional Officer dated 19th May, 2026 wherein the 'no confidence motion' against the writ petitioner was success.
5. Learned counsel for the appellants submits that the appellants have moved the 'no confidence motion' against the 'Sabhapati' and on the basis of the said 'no confidence notice', a meeting was conducted and with

the majority, the 'no confidence motion' was upheld. He submits that only the ground of the writ petitioner is that the signatures of the members who have moved the requisition for 'no confidence motion' are forged. He submits that all the members were present at the time of moving the 'no confidence motion' and it was approved. Thus, the question of challenging the signatures in the requisition notice for 'no confidence motion' does not arise.

6. Learned counsel for the appellants submits that the Hon'ble Single Judge without considering the said fact allowed the State authorities to file the report and stayed the order dated 19th May, 2026.
7. Learned counsel appearing for the writ petitioner/respondent no.1 submits that the report is required to be filed by the State authority to ascertain whether the signatures appearing in the notice of 'no confidence motion' is forged or not. For considering the same, the Hon'ble Single Judge has called for the report from the State and as such, the Hon'ble Judge has rightly stayed the impugned order by awaiting the report from the State.
8. Heard the learned counsel for the respective parties and perused the materials on record. This Court finds that 19 members have issued the requisition for 'no confidence motion' against the 'Sabhapati'. 26 members were present in the meeting. Out of 26 members, 23

members have supported the 'no confidence motion'. None of the members have raised any objection with regard to the signatures appearing in the requisition of the 'no confidence motion'.

9. Considering the above, this Court finds that the Hon'ble Single Judge without considering the fact that out of 26 members, 23 members supported the 'no confidence motion' and they have not raised any objection with regard to the signatures appearing in the notice of 'no confidence motion' and as such, this Court finds that the impugned order dated May 22, 2026 wherein the impugned order dated May 19, 2026 was stayed is erroneous.
10. Accordingly, the impugned order dated 22.05.2026 is set aside and quashed.
11. Let the matter be remanded to the Hon'ble Single Judge for deciding the writ petition on merits.
12. The appeal along with the application is disposed of.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Krishna Rao, J.)

(Reetobroto Kumar Mitra, J.)