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VACATION BENCH

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA/12212/2026

ANIKUL HAQUE
VS
THE STATE OF WEST BENGAL & ORS.

Mr. Subir Sanyal, Sr. Advocate
Mr. Apurba Ghosh, Advocate
Mr. Anindya Ghosh, Advocate
Mr. Souvik Das, Advocate
Mr. Sourajit Mukherjee, Advocate

.....for the Petitioner

Mr. D.N. Ray, Ld. Government Pleader
Ms. Jayita Dhar Chakraborty, Advocate
Mr. Rhitam Chatterjee, Advocate

.....for the State

1. Affidavit of service, filed in Court, is taken on record.
2. The respondents are represented.
3. The present writ-petition has been filed seeking a direction upon respondent no. 7 to consider and dispose of the petitioner's representation/complaints all dated 08.05.2026, filed under Section 11(1)(d) of the West Bengal Panchayat Act, 1973 (in short 'the said Act'), and the Rules framed thereunder.
4. According to the petitioner, the aforesaid applications for removal of the concerned members are pending before respondent no. 7 for a long time. It is complained that immediately after the aforesaid applications were filed by the petitioner, the aforesaid members had initially tried to move a 'no-confidence motion' vide a notice dated 13.05.2026.
5. In such notice, diverse allegations were made against the petitioner. Accordingly, the petitioner questioning such notice approached this Court in WPA/11784/2026 (Anikul Hoque vs. State of West Bengal & Ors).
6. Upon a contested hearing, by an order dated

22.03.2026, this Court having heard the learned Advocates appearing for the respective parties and since the learned Advocate for the private respondents had stated that the requisition suffers from irregularities as stigmatic remarks had been made therein, was pleased quash the requisition notice dated 13.05.2026 and the subsequent notice of hearing dated 19.05.2026. At the same time, the requisitionists were granted liberty to move a fresh motion, if so advised.

7. In the interregnum, however, the petitioner had moved a writ petition which was registered as WPA/11131/2026, inter alia, praying for a direction upon respondent no. 7 to dispose of the pending applications filed under Section 11(1)(d) of the said Act.
8. On such writ-petition being moved and since an objection was raised by the private respondents that the statements made in the writ-petition do not tally with the complaints, the petitioner chose to withdraw that writ-petition on 29.05.2026 with liberty to file afresh. Such leave was granted vide order dated 18.05.2026.
9. Mr. Sanyal, learned senior Advocate, appearing in support of the present writ-petition, submits that in terms of the liberty reserved in favor of the petitioner, the petitioner has now approached this Court and insists that the respondent no. 7 should dispose of the petitioner's applications, which are pending disposal before the respondent no. 7.
10. He has further drawn attention of this Court to a subsequent requisition notice issued by the requisitionists against whom the application for removal under Section 11(1)(d) of the said Act is

pending.

11. According to him, the requisitionists to frustrate the proceedings pending before respondent no. 7, have initiated this subsequent 'no-confidence motion'. A copy of the undated notice as placed before this Court is taken on record.
12. The learned Advocate representing the requisitionists (being the respondent nos. 12 to 20) is presented.
13. At the very outset, it is submitted that the present writ petition is not maintainable. It is argued that the petitioner, apart from previously withdrawing the earlier writ-petition, had also while maintaining a challenge to the requisition notice dated 13.05.2026 chose not to seek any relief against respondent no. 7, though the application for removal was pending at that stage. Accordingly, on such ground no relief should be granted to the petitioner.
14. Independent of the above, it is submitted that no time limit has been provided for disposal of an application under Section 11(1)(d) of the said Act, and in support thereof, he places reliance on the judgment delivered by a Coordinate Bench of this Court in the case of **Sunil Sardar vs. State of West Bengal & Ors.**, reported in AIR 2001 Cal 72.
15. He submits that since no time limit has been provided this Court should not issue any mandatory direction so as to restrict the period of consideration by the respondent no. 7 in respect of the applications, which are pending before him.
16. Mr. D.N. Ray, learned Government Pleader and Senior advocate representing the State has placed before the Court a report filed by the State, which is also taken on record.
17. Having heard the learned Advocates of the respective

parties, I find admittedly that the complaints were made by the petitioner under Section 11(1)(d) of the said Act, which are pending consideration before the respondent no. 7. It is true that the earlier writ-petition filed by the petitioner, which was registered as WPA/11131/2026, was dismissed as withdrawn with liberty to file afresh. The subsequent challenge of the petitioner in WPA/11784/2026, was against the requisition notice for holding a meeting for a “No Confidence Motion” dated 13.05.2026. In such writ-petition, the petitioner did not include the prayer for disposal of his representations pending before the respondent no. 7. Simply because the petitioner chose not to include the prayer for consideration, in my view, the same does not give any right to the private respondents to object the consideration of the representations.

18. The respondent no. 7 is duty bound and is under an obligation in terms of the provisions contained under Section 11(1)(d) of the said Act, to decide the applications. It is true that as held in the case of Sunil Sardar (supra) that no time limit has been specified, however, the said judgment does not in any way provide that an application filed before the respondent no. 7 is to be kept pending rather in paragraph 14 of the above judgment it is stated that it is expected that the prescribed authority should decide the question as early as possible in accordance with Section 11 within a particular period as noted therein. In my view, a discretion was exercised by the Court in paragraph 14 of the above judgment.
19. The facts of this case where “No Confidence Motion” has been subsequently initiated, in my view, calls for interference as the respondent no.7 cannot be

permitted to sit over the applications simply because no time for disposal thereof is provided. Ordinarily, in such case, disposal must be made within a reasonable time and such view has been taken in the case of ***Sunil Sardar*** (supra) in paragraph 10 thereof. Accordingly, in the facts of this case, it shall only be appropriate to direct the respondent no. 7 to expeditiously dispose of the pending proceedings under Section 11(1)(d) of the said Act preferably within a period of fifteen days from the date of communication of the order.

20. With these observations, **WPA/12212/2026** is **disposed of**. No order as to costs.

(Raja Basu Chowdhury, J.)