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jdt. 25.06.2026
jb.

WPA 12577 of 2026
(Ziniya Khatun & Ors. vs. State of West Bengal & Ors.)

Robiul Islam
Samim Ul Bari
K. M. Hossain
Sk. Jayeel Hossain
M. Rahaman
Mr. Sumitra Das
.... For the Petitioners
Ms. Aishwarya Rajyashree
Ms. Puja Sonkar
.... For the State

The petitioners who are members of Gourhand Gram Panchayat submitted a requisition notice for removal of the Pradhan, being the 8th respondent herein, before the Prescribed Authority under Section 12(1) of the West Bengal Panchayat Act, 1973 which was received by the latter on 18th May, 2026. By a notice issued on 19th May, 2026 the Prescribed Authority requested the petitioners to appear before him on 25th May, 2026 for verification of their signatures. On 21st May, 2026, the Prescribed Authority issued a notice fixing the date of meeting on 3rd June, 2026. By a further notice issued on 2nd June, 2026, the said authority postponed the meeting due to non availability of police assistance. The petitioners seek a direction upon the authority to convene the meeting and conclude the proceeding within the time stipulated in the Act.

It appears that though the Prescribed Authority fixed 25th May, 2026 for verification of the signatures of the petitioners, notice of hearing was issued on 21st May, 2026, i.e., prior to such verification. The notice not being in conformity with the provision laid down under Section 12(2) of the Act, it is bad in law. However, the meeting pursuant to the said notice was postponed by the Prescribed Authority. No further date of meeting has been fixed.

Issuance of notice in violation of Section 12(2) of the Act is a fault attributable to the Prescribed Authority. The petitioners/requisitionists should not be made to suffer for such fault on the part of the Authority, more so, since the meeting pertaining to the said notice has already been postponed.

The Prescribed Authority and Block Development Officer, Chanchal II Development Block, being the 3rd Respondent herein, is directed to treat the requisition notice to have been submitted on the date of communication of this order and take necessary steps in terms of Section 12 of the Act within the time limit contemplated therein.

The Inspector in Charge, Chanchal Police Station, being the 4th respondent herein, is directed to render necessary assistance to the 3rd respondent so that the meeting can be held peacefully without any disturbance from any corner whatsoever.

The writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)