

25.06.2026
rc/ct.no.15
Item No.23

WPA No. 13652 of 2026
Mukunda Sarkar & Anr.
Versus
The State of West Bengal & Ors.

Mr. Chittaranjan Chakraborty
Mr. Sumit Banerjee
Ms. Puspam Rani Jaiswara ..for the petitioner

Mr. Madhu Jana
Mrs. Puja Sonkar ...for the State

Mr. Srijib Chakraborty
Mr. Anish Kumar Mukherjee
Mr. Tamoghna Pramanick
...for the private respondent

Affidavit of service filed by the petitioner is taken on record.

The petitioners are the Pradhan and Upa-Pradhan of Nurpur Gram Panchayat and submitted applications under Section 11 of the West Bengal Panchayat Act, 1973 against the private respondents seeking their disqualification. According to the petitioners, the names of Sk. Suraj and Nur Banu Bibi have been deleted in Special Intensive Revision process and they are no longer enrolled as an elector of the concerned constituency. They are therefore disqualified and are not entitled to continue as members of the Gram Panchayat. Also, ten other members of the Panchayat have not paid any arrear in respect of tax, toll, fees or rate payable under the relevant Acts and have lost their status as members of the Panchayat.

Another member has failed to attend three consecutive meetings of the Panchayat despite service of notice upon him for which his membership needs to be terminated.

The petitioners seek consideration of their applications pending before the Prescribed Authority and a direction upon the said authority not to hold any meeting of the Panchayat with regard to the requisition submitted by some of the members for removal of the petitioners.

It is a fact that Section 11 of the Act of 1073 does not prescribe any time limit for consideration of an application submitted under the said provision of law. However, since the applications submitted by the petitioners are pending, the Sub-Divisional Officer, Malda Sadar, being the 3rd respondent herein, is directed to consider and dispose of the same as expeditiously as possible, preferably within six weeks from the date of communication of this order, upon granting reasonable opportunity of hearing to all concerned including the petitioners and the private respondents, in accordance with law.

The decision taken by the authority shall be communicated to the parties within a week thereof.

The prayer of the petitioners for a direction upon the authority to refrain from dealing with the requisition notice submitted by some of the members of the Panchayat cannot be acceded to for the following reasons.

In the authority in Ujjal Mondal Vs. State of West Bengal reported in (2013) 1 CHN 458, an Hon'ble Division Bench of this Court has dealt with an identical issue and has observed as hereunder:-

“It is a basic principle of law that punishment in the nature of disqualification cannot be imposed by debarring somebody to exercise his power as a member or to exercise his rights and responsibilities as a member, so long no order of disqualification is passed. If the members against whom complaints are pending are debarred to bring requisition notice, the consequential effect would be that disqualification clause is being imposed upon them prior to adjudication of complaints seeking disqualification, which under the law is not permissible. The Division Bench judgment as referred to by respondents has dealt with that issue and we are also holding the same view.”

In view of the fact that the issue has already been decided by this Court earlier, and also, since a specific time frame has been prescribed under Section 12 of the Act, the prayer of the petitioners with regard to the restraining order upon the concerned authority is rejected.

The writ petition is disposed of.

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

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Parties are directed to act upon the server copy of the order duly down loaded from the official website of this Court.

(Suvra Ghosh,J)