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jdt. 01.07.2026
jb.

WPA 14835 of 2026
(Rosena & Anr. vs. State of West Bengal & Ors.)

Mr. Partha Sarathi Barman
MJr. Rishav Deb Barman
.... For the Petitioners

Mr. Madhu Jana
Mr. Rahul Agarwala
.... For the State

Mr. S. P. Lahiri
Habibur Rahaman
Mr. Ankan Mondal
.... For the Respondent nos 6,8-10, 11 and 14
Mr. Salil Kr. Gupta
.... For the Respondent nos. 7, 12, 13 and 15

Affidavit of service filed on behalf of the petitioners is taken on record.

The petitioners who are the Pradhan and Upa Pradhan of Saharpur-II Gram Panchayat have assailed the motion as well as the notice of meeting issued by the Prescribed Authority on 24th June, 2026 fixing the date of meeting on 2nd July, 2026 on the ground that the motion is undated and clear 7 days' notice of meeting was not issued by the Prescribed Authority. Notice was received by the petitioners on 25th June, 2026. Therefore, the proceeding is in violation of the provision laid down under Section 12(3) of the West Bengal Panchayat Act, 1973.

Learned counsel for the respondent nos. 7, 12, 13 and 15 submits that the notice of meeting was received by these respondents by hand only on 25th June, 2026.

It is a fact that the motion is undated. It is clearly envisaged in Section 12(3) of Act of 1973 that the Prescribed Authority shall set the ball rolling upon receipt of the motion. The date of initiation of the entire proceedings starts from the date of receipt of motion and not the date of sending the same. Since admittedly the motion was received by the Prescribed Authority on 19th June, 2026, absence of date in the motion itself does not render the motion invalid.

It appears from the notice issued by the Prescribed Authority that the notice was sent on 24th June, 2026 fixing the date of meeting on 2nd July, 2026, there being clear 7 days' between the date of sending the notice and the meeting. Section 12(3) of the Act of 1973 clearly states that such notice should be sent at least before clear 7 days to each of the existing members for consideration of the motion.

In view of the above, this Court is convinced that the notice of meeting was sent in terms of Section 12(3) of the Act and cannot be said to be irregular/illegal/invalid.

The motion or the notice does not call for interference by this Court.

The writ petition is devoid of any merit and is accordingly dismissed.

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.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Suvra Ghosh, J.)