07.10.2026
Sl. No. 06 (DL)
Ct.No.19
(Susanta)
(Bench I.D. 266052)

WPA 28737 of 2026

Tapasi Let
Vs.
The State of West Bengal & Ors.

Mr. Biswaroop Bhattacharya, (V.C)
Mr. Anindya Bose,
Mr. Golam Mohiuddin,
Ms. Raina Das,
Mr. Md. Kaif Hossain,
... for the Petitioner.
Mr. Samrat Mukherji, Ld. AGP,
Mr. Akash Adak,
... for the State.
Ms. Kardina Roy,
... for the respondent nos. 29-31.
Mr. Imtiaz Kabir,
Mr. Mahendra Nath Sarkar,
... for the respondent nos. 7-28.

1. Affidavit of service as filed today on behalf of the writ petitioner is taken on record.

2. The parties are represented by their respective learned advocates.

3. Learned advocate for the respondent State has also filed documents regarding communication of the last order dated 06.10.2026 to the concerned BDO.

4. The subject matter of the instant writ petition is the no-confidence motion notice, bearing no date, a copy of which has been annexed at page number 30 of the instant writ petition, as issued by the private respondents.

5. Mr. Bhattacharya, learned advocate appearing on behalf of the writ petitioner, submits before this Court

that on perusal of the impugned notice, it would reveal that the said notice contains stigmatic allegations against the writ petitioner, which is not permissible in the eye of law. To substantiate his contention, Mr. Bhattacharya places his reliance upon a judgment passed by a Division Bench of this Court in the case of ***Razia Sultana vs. State of West Bengal & Ors.*****, reported in AIR 2023 Cal 189**.

6. It is submitted that in paragraph 17 of the judgment of Razia Sultana (supra), the Hon'ble Division Bench of this Court expressly held that in the event a notice for removal of a Pradhan contains stigma, such notice should not be acted upon.

7. Drawing attention to page nos. 27 to 29 of the instant writ petition, being a copy of the order dated 10.09.2026 as passed by a Coordinate Bench of this Court in **WPA 24420 of 2026** (***Tapasi Let Vs. The State of West Bengal & Ors.***), it is argued by Mr. Bhattacharya that the said Co-ordinate Bench in the case of **Tapasi Let** (supra) quashed the notice of motion containing stigma against the writ petitioner (the petitioner herein).

8. It is thus, submitted that in view of such settled proposition of law, the impugned notice may be quashed and appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers of the writ petitioner.

9. Learned advocate appearing on behalf of the private respondents submits before this Court that while allowing the instant writ petition, liberty may be given to the private respondents to issue notice of no confidence against the writ petitioner immediately after the disposal of the instant writ petition.

10. Learned advocate appearing on behalf of the respondent State leaves the matter for consideration of the Court.

11. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it appears to this Court that the notice impugned contains stigma against the writ petitioner and thus, the same cannot be allowed to stand in view of the proposition of law as decided in the case of **Razia Sultana** (supra) by the Hon'ble Division Bench of this Court, wherein the following has been held:

17. ***It is well established now that if a notice for removal of Pradhan or Upa-Pradhan addressed by the requisite number of members of a Panchayat to the prescribed authority contains stigma, such notice should not be acted upon. There is sound logic behind this. As argued by learned Advocate for the respondent/writ petitioner, the scheme of Section 12 of the 1973 Act does not contemplate granting an opportunity of hearing to the***

concerned office bearer who is sought to be removed. Hence, if a removal notice contains allegations against such office bearer, he/she does not get an opportunity to refute such allegations whether at a hearing or by way of a reply or written representation. The allegations may be of various types, some very serious and derogatory and some not so bad. However, any allegation, in whatever words and however articulately framed, whether of financial dishonesty or of recalcitrance, which tends to tarnish the image of the concerned office-bearer, would in our opinion, amount to a stigma. If in a removal notice statements are included which would give the impression to the members of the society that the concerned office-bearer is completely unfit for and unworthy of the concerned post, the same shall amount to a stigma which is very likely to have an adverse impact on the future political carrier of that person, without that person getting an opportunity to deal with and disprove such allegations. This would clearly be violation of the principles of natural justice contrary to the rule of law."

12. In view of such settled proposition of law, this Court thus finds sufficient merit in the instant writ petition. Accordingly, the instant writ petition is allowed. Consequently, the impugned undated notice of motion, a copy of which has been annexed at page number 30 of the instant writ petition, is hereby quashed.

13. Consequently, the notice dated 29.09.2026, as issued by the BDO, Nalhati-1, Development Block, District Birbhum, being the respondent no. 4, is also quashed.

14. Before parting with, this Court grants liberty to the private respondents to serve a notice of no-confidence motion against the writ petitioner on the self-same cause of action and/or on subsequent cause of action and/or if occasion so arises.

15. With the aforementioned observation, the writ petition is **disposed** of.

(Partha Sarathi Sen, J.)