07.10.2026
Item No.28 (DL)
Court No.19
AJ.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JRUISDICTION

WPA 29338 of 2026

Ukila Bibi Shaikh
-Vs-
The State of West Bengal & Ors.

Mr. Sarwar Jahan,
Mr. Abdul Aziz.
...for the petitioner.
Mr. Sundar Gopal Bhattacharyya,
Mr. Monajit Chakraborty.
...for the State.

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

2. None appears on behalf of the private respondents though it was contended on behalf of the petitioner that notices were sent through posts as well as through whatsapp and from the print out of the whatsapp as has been annexed with the affidavit of service as filed today it would reveal that such notices were served upon the private respondents.

3. The petitioner and the respondent State are represented by their respective learned Counsel.

4. The subject matter of the instant writ petition is the copy of the notice as received by the writ petitioner, which has been annexed at page nos. 20-21 of the instant writ petition.

5. It is submitted by Mr. Jahan, learned Advocate appearing on behalf of the writ petitioner that on perusal of page nos.20-21 of

the instant writ petition it would reveal that the private respondents being the Members of the Narayanpur-II, Gram Panchayat issued a notice to the prescribed authority and the jurisdictional BDO has expressed his intention to bring a no confidence motion against the present writ petitioner, who is Pradhan of the said Gram Panchayat.

6. It is argued by Mr. Jahan that on perusal at page 21 being a part and parcel of the impugned notice it would reveal that the said notice bears no date.

7. Placing reliance upon the judgment dated 10.06.2026 as passed by a co-ordinate Bench of this court in **WPA 12372 of 2026 (Md. Mehedi Hasan & Ors. –Vs- The State of West Bengal & Ors.)** it is argued by Mr. Jahan that the said co-ordinate Bench in connection with a similar matter returned a finding that service of notice of an undated letter on the Pradhan which does not tally with the letter dated 07.05.2026 is not a true copy thereof and the same does not construe service of copy of the notice within the meaning of Section 12(2) of the West Bengal Panchayat Act, 1973 ('the said Act' in short).

8. It is thus submitted by Mr. Jahan that in view of the proposition of law as decided by a coordinate Bench of this Court reliance upon the

judgment has passed in the case of **Anikul Hoque –Vs- State of West Bengal (2026:CHC-AS;852)** the impugned notice cannot stand and therefore an appropriate writ may be issued upon the respondent no.5 authority commanding him to cancel the meeting as scheduled to be held on 10.08.2023 at 12 noon at Narayanpur-II Gram Panchayat Office.

9. Per contra, Mr. Bhattacharyya in course of his argument has placed a Memorandum dated 06.10.2026 as written by the jurisdictional BDO i.e. the respondent no.5 authority which is taken on record. It is submitted by Mr. Bhattacharyya that from the Annexure 'A' of the said Memorandum it would reveal that the private respondents served the notice on motion dated 28.09.2026 upon the respondent no.5 for removal of the writ petitioner and therefore by no stretch of imagination it can be said that the notice calling for a meeting on 10.08.2023 at 12 noon at Narayanpur-II Gram Panchayat Office is in contravention of the said Act.

10. For effective disposal of the instant writ petition this Court at the very outset proposes to look at paragraph 9 of the judgment of the co-ordinate Bench as passed in the case of **Md. Mehedi Hasan & Ors.** (supra). The said paragraph 9 has been held as follows :-

> *"9. Having regard to the aforesaid, in my view, the service of copy of an*

> *undated letter on the Pradhan which does not tally with the letter dated 14th May, 2026 as is not a true copy thereof, the same does not constitute service of copy of the notice as contemplated in Section 12(2) of the said Act, which provision having regard to Section 12(1) of the said Act is mandatory".*

11. It appears to this Court that the said co-ordinate Bench while coming to the aforementioned finding places reliance upon the judgment as passed in the case of **Anikul Hoque (supra)**. At this stage if I look to the copy of the impugned noticed as has been annexed at pages 20-21 of the instant writ petition it appears that the said notice bears no date and thus keeping in mind the ratio as decided in the case of **Md. Mehedi Hasan & Ors.** (supra), this Court has no hesitation to hold that the notice which has been served upon the writ petitioner by no stretch of imagination can be termed as true copy of notice as has been served upon the respondent no.2 authority.

12. In view of such, the instant writ petition succeeds.

13. Consequently, the notice dated 29.09.2026 as issued by the respondent no.5 authority convening a meeting on 08.10.2026 at 12 noon at Narayanpur-II Gram Panchayat is hereby set aside.

14. WPA 29338 of 2026 is thus disposed of.

15. Before parting with this Court directs the learned Advocate for the writ petitioner to

communicate the gist of this order to the respondent no.5 authority positively within 7 P.M. either by e-mail or by whatsapp or by sms.

16. Liberty is also given to the learned advocate for the writ petitioner to communicate the server of this order to the respondent no.5 authority through e-mail and the respondent no.5 authority is directed to act on the said e-mail and the server copy of this order.

17. There shall be no order as to costs.

18. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Partha Sarathi Sen, J.)