21
26.11.2026
Ct. No.15
b.das

WPA 32291 of 2026

Azizul Khamaru & Ors.
Vs.
The State of W. B. & Ors.

Md. Sarwar Jahan
Mr. Asraf Mandal
Mr. Mahabbat Dafadar ...for the petitioners.

Ms. Indrani Chakraborty
Mr. Falguni Bahdyopadhyay
Ms. Riya Ballav ...for the State.

The petitioners are members of Kanainagar Gram Panchayat and seek a direction upon the Prescribed Authority to convene the meeting for election of the new Pradhan and Upa Pradhan of the Panchayat.

Learned counsel for the petitioners submits that the Pradhan and the Upa Pradhan have been removed on 1st September, 2026 and 2nd September, 2026 respectively by virtue of no confidence motion submitted by the members of the Panchayat for their removal.

The Prescribed Authority, by a notice issued on 7th September, 2026 fixed the date of meeting for election of the new Pradhan and Upa Pradhan on 18th September, 2026. The meeting was adjourned due to unavoidable circumstances and a further date of meeting was fixed on 28th September, 2026. The said meeting was also cancelled due to non-availability of police assistance. The 3rd date of meeting was fixed on 5th November, 2026. The

meeting commenced on the said date. The office of the Pradhan was reserved for OBC candidates and there were two OBC candidates/contenders for the said post. One of the candidates was able to produce OBC certificate in his favour and the other candidate was granted time to produce the same. However, he was unable to produce such certificate. The meeting was adjourned on the said date on such ground. No further date of meeting has been fixed by the Prescribed Authority.

The petitioners who are members of the Panchayat seek a direction upon the Prescribed Authority to fix a date for election of the Pradhan and Upa Pradhan for smooth functioning of the Panchayat.

Learned counsel for the State submits that the police authority shall provide necessary assistance to the Prescribed Authority for holding such meeting.

In view of the fact that the meeting for election of Pradhan and Upa Pradhan has not been held despite expiry of 30 days from the date of removal of the earlier Pradhan and Upa Pradhan, the Prescribed Authority and Block Development Officer, Tehatta-I Development Block, being the 5th respondent herein, is directed to convene such meeting within 10 days from the date of communication of this order upon service of notice to the parties concerned and take the proceeding to its logical conclusion in concurrence with the District Panchayat

Election Officer in terms of Rule 6(1) of the West Bengal Panchayat (Constitution) Rules, 1975.

The Officer in Charge of Tehatta Police Station, being the 8th respondent herein, is directed to render necessary assistance to the Prescribed Authority so that the meeting is held peacefully without any disturbance from any corner whatsoever. The police authority shall ensure safe passage of the members of the Panchayat including the petitioners herein to the venue of the meeting so that they are able to cast their votes freely, safely and independently.

The writ petition is accordingly 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.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)