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jdt. 07.07.2026
jb.

WPA 14867 of 2026

(Jiadul Haque & Ors. vs. State of West Bengal & Ors.)

**Robiul Islam
Sk Jayed Hossain
Mr. Raju Mondal
Masooq Rahaman
.... For the Petitioners
Mr. Madhu Jana
Mr. Subhajit Das
.... For the State
Moniruzzman
Jahangir Badsha
.... For the Respondent nos. 7 and 8**

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

The petitioners are members of Kirtipur Gram Panchayat and have floated a no confidence motion before the Prescribed Authority and Block Development Officer, Khargram Block for removal of the Pradhan of the Panchayat on 10th June, 2026 which was received by the Prescribed Authority on the same date. The Block Development Officer, by notice issued on 18th June, 2026 fixed the date of meeting on 30th June, 2026. However, by a subsequent notice issued on 25th June, 2026 the meeting was postponed due to non availability of police assistance. The petitioners seek a direction upon the Prescribed Authority to convene the meeting and conclude the proceedings in accordance with law.

Learned counsel for the respondent nos. 7 and 8 submits that the Pradhan submitted a representation before the Prescribed Authority seeking removal of 9 of the requisitionists on the ground of their failure to attend three consecutive meetings of the Panchayat despite service of notice upon them. Learned counsel submits the representation was heard by the Prescribed Authority on 2nd July, 2026 and order is yet to be passed. Also, the time frame laid down under Section 12(10) of the West Bengal Panchayat Act having expired, the requisition has lapsed and cannot be proceeded with.

I have considered the rival contention of the parties.

It is not in dispute a hearing has been held with regard to the representation made by the Pradhan under Section 11 of the Act of 1973 and the decision is pending. However, there being no time frame stipulated under Section 11 of the Act, the Prescribed Authority is at liberty to pronounce his decision in accordance with law.

It is settled law that until the members are disqualified in terms of Section 11 of the Act by an order passed by the Prescribed Authority, the requisition signed by them cannot be held to be invalid for the reason that in the said event, the allegation against them shall be prejudged even before an order is

passed by the appellate authority. The requisition notice was issued on 10th June, 2026 whereas the representation under Section 11 of the Act was submitted by the Pradhan on 29th June, 2026, that is, much after the requisition was submitted and proceeded with. The requisition cannot be said to be invalid/bad in law until the 9 members have been disqualified as members by the Prescribed Authority.

It is a fact that the time frame stipulated under Section 12 of the Act is about to expire. The requisitionists/petitioners cannot be made to suffer due to postponement of the meeting for no fault on their part.

In the interest of justice, the Prescribed Authority and Block Development Officer, Khargram Blocki, being the 5th respondent herein, is directed to convene the meeting within 10 days from the date of communication of this order and take the proceeding to its logical conclusion within the time frame laid down under Section 12 of the Act. The date of communication of this order shall be held as the date of submission of the no confidence motion before the Prescribed Authority.

The Inspector in Charge, Khargram Police Station being the 6th respondent herein, is directed to render necessary assistance to the 5th respondent herein, so that the meeting is held peacefully and without any disturbance from any corner whatsoever.

The writ petition is disposed of.

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.

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

(Suvra Ghosh, J.)