

WPA 15503 of 2026

Nilufa Ajmi & Ors.
Vs.
The State of W.B. & Ors.

Mr. Jayanta Kr. Das
Mr. Gourav Das
Ms. Madhumanti Das ...for the petitioners.

Mr. Arkaprabho Roy
Ms. Sarmistha Basak
Mr. Wasim Akram..for the respondent nos.9 & 10.

Mr. Barun Ghosh
Mr. Ravi Kr. Dubey ...for the State.

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

The petitioners who are members of Malior-II Gram Panchayat submitted a no confidence motion for removal of the Pradhan of the Panchayat before the Prescribed Authority on 8th June, 2026 which was received by the latter on 10th June, 2026.

The 10th respondent also put his signature in the motion but subsequently failed to appear before the Prescribed Authority on the date of verification for which he has been impleaded as the 10th respondent herein.

By a notice issued on 19th June, 2026, the Prescribed Authority fixed the date of meeting on 2nd July, 2026. However, the said meeting was adjourned by a notice issued on 1st July, 2026 due to non-availability of

police assistance. The petitioners seek a direction upon the Prescribed Authority to convene the meeting and conclude the proceeding in accordance with law.

Learned counsel for the 9th respondent/Pradhan submits that since the time frame stipulated in Section 12 of the West Bengal Panchayat Act, 1973 has expired, the motion has become invalid/infructuous.

It is a fact that the motion was received by the Prescribed Authority on 10th June, 2026 and the time frame for consideration of the same laid down under Section 12 of the Act has expired.

A similar issue has been dealt with by an Hon'ble Division Bench of this Court in MAT 992 of 2022 and by an order passed on 15th July, 2022, the Hon'ble Division Bench has observed that in a situation contemplated under Section 12(4) of the Act wherein the meeting is adjourned due to circumstances beyond control of the Prescribed Authority, the time period of 30 days prescribed under Section 12(10) of the Act stands extended correspondingly.

In the present case, the meeting was adjourned by the Prescribed Authority due to non-availability of police assistance which is definitely a situation beyond control of the Prescribed Authority. Section 12 (4) of the Act comes into play in such a situation and the time frame stipulated in Section 12(10) of the Act is deemed to be extended correspondingly.

In view of the above, the Prescribed Authority and Block Development Officer, Harishchandrapur-II Development Block, being the 5th respondent herein, is directed to convene the meeting within 10 days from the date of communication of this order upon service of notice to the relevant parties and take the proceeding to its logical conclusion at the earliest, in accordance with law.

The Inspector in Charge of Harishchandrapur Police Station, being the 7th respondent herein, is directed to render necessary assistance to the 5th respondent so that the meeting is held peacefully and without any disturbance from any corner whatsoever.

The writ petition is disposed of accordingly.

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.

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

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

(Suvra Ghosh, J.)