

09.07.2026
SL No.3
Court No.12
(gc)

**MAT 1088 of 2026
CAN 1 of 2026**

**The Pradhan, Nurpur Gram Panchayat
at Bahadurpur Roypara & Anr.
Vs.
Gobinda Ghosh & Ors.**

Mr. Shounak Bhattacharya,
Mr. Asif Dewan,
Mr. Mehedi Masud

.....for the Appellants.

Mr. Robiul Islam,
Mr. J. Hossain,
Mr. M. Hossain,
Mr. Shamim ul Bari

....for the Respondent nos. 1 to 17/
writ petitioners.

Mr. D.N. Ray, Ld. G.P.,
Ms. Susmita Saha Dutta, Ld. A.G.P.,
Mr. Niladri Saha

....for the State.

1. The appellant no.1 is the Pradhan, Nurpur Gram Panchayat. The appellants are aggrieved by the decision of the learned Single Judge dated July 1, 2026 passed in WPA 14585 of 2026. The respondent nos.1 to 17 brought a notice of no confidence motion against the Pradhan on June 2, 2026, which was received by the prescribed authority on the same day.
2. By a notice dated June 4, 2026, the prescribed authority fixed the date of meeting on June 12, 2026. By a subsequent notice issued on June 11, 2026, the meeting was cancelled for reasons beyond the control of the prescribed authority. The meeting could not be scheduled. The requisitionists approached the writ court, aggrieved by the postponement of the meeting

by the prescribed authority by filing the writ petition. The appellant no.1 was represented by the learned Counsel and it was submitted that the notice of no confidence was stigmatic and the meeting should not be scheduled at all in view of the time limits fixed by law.

3. Mr. Sounak Bhattacharya, learned Advocate for the appellants submits that Her Lordship had failed to take into consideration Sections 12(10) and 12(11) of the West Bengal Panchayat Act, 1973 (hereinafter referred to as the “said Act”) and erroneously directed the meeting to be held beyond the time prescribed by the statute.
4. According to Mr. Bhattacharya, the time limit prescribed under Section 12 of the said Act for the steps to be taken by the prescribed authority, upon receipt of the notice of no confidence, were mandatory and the Court would not extend the time by 10 days from the date of communication of the order.
5. Mr. Robiul Islam, learned Advocate appearing for the respondent nos.1 to 17/requisitionists submits that the prescribed authority had intentionally postponed the meeting. Thus, the learned Single Judge treated the date of the order to be the date of the requisition and extended the time by 10 days, which was well within the time limit prescribed under Section 12(4) of the said Act. He further submits that the prescribed authority could postpone the meeting for

reasons beyond his control, in terms of the exception under Section 12 of the said Act. The mandatory time limit to hold the meeting within 15 working days from the receipt of the notice of motion, is not applicable in such a situation.

6. With regard to the allegation of Mr. Bhattacharya that, the notice of no confidence was stigmatic, we are of the view that the notice per se indicates that the requisitionists did not agree with the Pradhan on official issues as such sought to remove him.
7. In ***Ujjal Mondal Vs. State of West Bengal*** reported in ***2013 (1) CHN (Cal) 458***, a Division Bench had held that the no confidence motion could be entertained only when there was no foundational basis for bringing such motion. The Division Bench held that the moment there were allegations which touched upon the competence or the character or the performance of the office bearer sought to be removed, the motion becomes stigmatic. In this case, no such foundational basis exists.
8. It is the democratic right of the requisitionists to bring a motion of no confidence against the Pradhan, but such right has to be exercised in terms of Section 12(2) of the said Act. The prescribed authority thereafter, has to act upon compliance of Sections 12(3) to 12(10). In this case, the prescribed authority initially scheduled the meeting on June 12, 2026 and just a day before the meeting, the prescribed

authority postponed the same for an indefinite period by citing the reasons beyond his control. Along with the said notice of postponement, the e-mail received from the Inspector-in-Charge of the concerned Police Station was attached.

9. In our view, if the prescribed authority felt that the situation was beyond his control and he was not in a position to hold the meeting, the specific reasons as to why he was of the view that, without adequate police force the meeting could not be held, and whether he was apprehensive of law and order problems and/or violence, should have been reflected in the notice of postponement. Secondly, there is nothing on record which would show that the prescribed authority had serious intention of holding the meeting on any subsequent date. The time limit prescribed under Section 12(4) to hold the meeting of no confidence is 15 working days from the date of receipt of the notice.
10. Admittedly, the notice of motion was received on June 2, 2026 and the meeting was first fixed on June 12, 2026. However, the prescribed authority could have decided on the date within the time limit prescribed under Section 12(10), which provides that the entire process of issuing notices, holding the meeting and communicating the result of the meeting to the appropriate authority has to be completed within 30 days from the date of receipt of the notice of motion.

11. We do not find any honest intention of the prescribed authority to take such steps within the statutory period. Thus, the writ court could not have extended the time beyond the period of 30 days. Such direction would amount to rewriting the statute. Extension of the time limit prescribed by law is not within the power of a writ court, in exercise of power of judicial review.
12. Under such circumstances, we are not in agreement with Mr. Islam to the extent that the requisition which was brought forth by the requisitionists should be treated as valid and alive. The requisition had lost its force, the moment the time limit prescribed by law had expired.
13. The contention of Mr. Bhattacharya that Section 12(11) bars further requisition is not accepted. Section 12(11) comes into operation only when the notice of no confidence brought against the Pradhan, fails on account of lack of quorum or the motion is not carried through.
14. We are also surprised to find that the prescribed authority had adopted a method of ignoring the requisition and not holding the meeting, on the ground that adequate police force was not available. The law does not prescribe that such meetings have to be held in the presence of the police authorities. Thus, such a plea of the prescribed authority is not

in conformity with the expression “reason beyond the control”.

15. Unless there are specific instances to demonstrate that non-availability of the police force would result in a chaotic or unsafe situation, the postponement of the meeting deserves to be set aside. Section 12 (10) of the said Act provides that the entire process from the receipt of the requisition till the completion of the meeting, should be concluded within 30 days. By the order impugned, the time has been extended by further 10 days from the date of communication of the order of Her Lordship dated July 1, 2026.

16. Mr. Islam informs us that the meeting has been scheduled on July 15, 2026. In our view, the notice by which the meeting has been fixed on 15th July, 2026 is also set aside.

17. The relevant portions of the law governing the procedure to be followed in order to give a logical conclusion to the notice of motion are quoted below:-

“13. The relevant provisions are quoted below:-

“12. Motion of no confidence or removal of Pradhan or Upa-Pradhan.-(1)Subject to other provisions of this section, the Pradhan or the Upa-Pradhan of a Gram Panchayat may, at any time, be removed from his office by the majority of the existing members of the Gram Panchayat, referred to in clause (i) of subsection (2A) of section 4, expressing their lack of confidence against the Pradhan or the Upa-Pradhan or recording their decision to remove the Pradhan or the Upa-

Pradhan, at a meeting specially convened for the purpose.

(2) For the purpose of removal of the Pradhan or the Upa-Pradhan, one-third of the existing members referred to in subsection (1) subject to a minimum of three members shall sign a motion in writing expressing their lack of confidence against the Pradhan or the Upa-Pradhan or recording their intention to remove the Pradhan or the Upa-Pradhan, indicating party affiliation or independent status of each of such members and either deliver the motion in person through any of the members or send it by registered post to the prescribed authority; one copy of the motion shall be delivered to the concerned office bearer either by hand or by registered post at the Gram Panchayat office and another copy shall be sent by registered post at his residential address.

(3) The prescribed authority on receipt of the motion shall satisfy himself that it conforms to the requirements of sub-section (2) and on his satisfaction shall specially convene, by issue of notice, within five working days of the receipt of the motion, a meeting of the Gram Panchayat to be held in its office fixing date and hour of the meeting and sending such notice at least before clear seven days to each of its existing members for consideration of the motion and for taking a decision on it.

(4) The meeting referred to in sub-section (3) shall be held on a working day which shall not be later than fifteen working days from the date of receipt of the motion by the prescribed authority and the meeting so convened shall not be adjourned or cancelled except in pursuance of an order or direction of a competent court or for any

other reason beyond control of the prescribed authority.

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(10) On receipt of the minutes of the meeting and the report under sub-section (9), the prescribed authority shall, within next five working days, take such action as he may deem fit and the entire process commencing from submission of motion to the prescribed authority up to the action finally taken by him shall be completed within thirty days."

14. It is also evident from the language of Section 12(4) that the meeting referred to under Section 12(2) shall not be held beyond 15 working days from the date of receipt of motion by the prescribed authority. By the time the order was passed, the period prescribed under 12(4) as also 12(10) had expired. The language used in section 12(4) makes the time period of 15 working days for holding the meeting mandatory, except under certain circumstances.

15. Section 12(10) provides that the entire process has to be completed within 30 days, that is, not only holding of the meeting but also forwarding of the minutes of the meeting by the presiding officer, submission of a separate report in writing with a copy of the, minutes of the meeting and taking such action as the prescribed authority may deem fit. Under such circumstances, the learned Court failed to consider the mandatory time limits specified under each sub-section of Section 12. This motion loses its validity after a period of 30 days.

18. The requisitionists shall be at liberty to bring another motion in accordance with law and the prescribed authority is directed to comply with the

provision of law without unnecessarily delaying the issue, for whatever reason. The prescribed authority is the creature of a statute and cannot make excuses for his inaction. We take judicial notice of his failure in the first round. Accordingly, the appeal and the connected application are disposed of.

19. It is made clear that the Pradhan will not adopt any tactic to avoid service of the motion. If the motion is in order, the meeting will be held and the police authorities will provide adequate protection/assistance.”

20. The police authorities are also duty bound to provide adequate protection to the Government officials, while they perform their statutory duties in their official capacity.

21. Accordingly, the appeal and the connected application are disposed of.

22. However, there shall be no order as to costs.

23. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shampa Sarkar, J.)

(Smita Das De, J.)