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jdt. 20.07.2026
jb.

WPA 15954 of 2026
(Roji Khatun vs. State of West Bengal & Ors.)

Sarwar Jahan
Mr. Sayantan Hazra
Ms. Shalini Sen
Sahina Parvin

.... For the Petitioner

Mr. Mrinal Kanti Sardar
Ms. Subhanwita Ghosh

.... For the State

Mr. Gangadhar Das
Mr. Joy Laha

.... For the Private Respondents

Report submitted by the State is taken on record.

The petitioner who is the Upa Pradhan of Nawada Jadupur Gram Panchayat has assailed the motion as well as the notice of meeting issued by the Prescribed Authority on the ground that the notice has been issued in contravention of Section 12(3) of the West Bengal Panchayat Act, 1973.

Learned counsel for the petitioner submits that no confidence motion was received by the Prescribed Authority on 25th June, 2026. It was received by the petitioner both at the Panchayat office as well as at her residential address on 3rd July, 2026. The Prescribed Authority issued a notice on 25th June, 2026 upon the members including the petitioner fixing the date of verification on 1st July, 2026. Subsequent thereto notice of meeting was issued on 1st July, 2026. The Prescribed Authority was not in a position to satisfy himself that

the motion conformed to the requirement of Section 12(2) of the Act since the motion was received by the petitioner only on 3rd July, 2026, that is, after issuance of notice of meeting by the Prescribed Authority.

Learned counsel for the private respondents places reliance on an authority in ***N. Parameswaran Unni vs. G. Kannan and Another*** reported in **(2017) 4 S.C.R. 365** and submits that when a notice sent by registered post is returned with postal endorsement “refused” or “not available in the house” or “house locked” or “shop closed” or “addressee not in station”, due service has to be presumed.

It is not in dispute that the motion was received by the petitioner/ Upa Pradhan on 3rd July, 2026. The copy of the motion sent to the petitioner was not returned merely with endorsement “addressee absent” but was served upon the petitioner on 3rd July, 2026 at both the addresses. Therefore, the decision referred to by the private respondents has no manner of application in the present case.

Section 12(3) of the Act of 1973 requires the Prescribed Authority to satisfy himself that the motion conforms to the requirements of Section 12(2) and on his satisfaction permits him to specially convene the meeting for consideration of the motion.

Herein the Prescribed Authority was not in a position to satisfy himself with regard to conformity to

the requirement of Section 12(2) since the meeting was called by him by a notice issued prior to receipt of the motion by the petitioner.

In view of the violation of the said provision of law by the Prescribed Authority, the motion is rendered invalid.

Accordingly, the motion is set aside/quashed.

Liberty is granted to the private respondents to submit a fresh no confidence motion before the Prescribed Authority in terms of Section 12 of the Act. In the event such motion is submitted, the Prescribed Authority shall deal with it in terms of the said provision of law, particularly the time frame laid down therein.

If a meeting is fixed by the Prescribed Authority for dealing with the motion, the Inspector in Charge, Kaliachak Police Station, being the 9th respondent herein, is directed to render necessary assistance to him so that the meeting is held peacefully without 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.)