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jdt. 21.07.2026
jb.

WPA 16083 of 2026
(Mebarul Shaikh vs. State of West Bengal & Ors.)

Mr. Sunil Kumar Gupta
.... For the Petitioner
Mr. Arka Bhattacharya
Mr. Argha Chatterjee
.... For the State
Mr. Rishav Deb Barman
.... For the Respondent no. 8
Mr. Aishik Chakraborty
.... For the Respondent nos. 9-20

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

The petitioner and the respondent nos. 9 to 20 who are members of Laxmipur Gram Panchayat submitted a no confidence motion for removal of the Pradhan of the Panchayat before the Prescribed Authority on 5th June, 2026 which was received by the latter on the same date. The Prescribed Authority, by a notice issued on 9th June, 2026 fixed the date of meeting on 17th June, 2026. However, by a subsequent notice issued on 16th June, 2026 the meeting was cancelled due to non availability of police assistance. The petitioner seeks a direction upon the Prescribed Authority to convene the meeting and conclude the proceeding in accordance with law.

Learned counsel for the 8th respondent submits that the time frame laid down under Section 12 of the

West Bengal Panchayat Act, 1973 has lapsed and the motion has become invalid/infructuous.

It is a fact that the time frame stipulated under Section 12(10) of the Act of 1973 has expired on 4th July, 2026. 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 held that when the meeting is postponed by the Prescribed Authority due to circumstances beyond his control, Section 12(4) of the Act comes into play. In such a situation, the time period of 30 days prescribed under Section 12(10) of the Act stands extended correspondingly.

In view of the fact that the meeting was postponed by the Prescribed Authority due to non availability of police assistance which can very well be defined as a circumstance beyond control of the Prescribed Authority, the time frame laid down under Section 12(10) of the Act is deemed to have been correspondingly extended.

The Prescribed Authority and the Block Development Officer, Suti II, being the 4th 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 Officer in Charge, Suti Police Station, being the 7th respondent herein, is directed to render necessary assistance to the 4th respondent so that the meeting is held peacefully 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.

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

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

(Suvra Ghosh, J.)