

13.07.2026
Court No. 12
ML 02
July 2026
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

M.A.T. 1116 of 2026
I.A. No : CAN 1 of 2026

Anikul Hoque
Vs.
The State of West Bengal & Ors.

Mr. Subir Sanyal, Sr. Adv.,
Mr. Anindya Ghosh,
Mr. Souvik Das
.....for the appellant.

Mr. D. N. Roy, Ld. G.P.,
Ms. Susmita Saha Dutta, Ld. APP,
Mr. Sourav Haldar
....for the State.

Md. Sarwar Jahan,
Ms. Sahina Parvin,
Mr. Soumyajit Ray Chowdhury
....for the private respondent.

1) The situation is rather unfortunate. The appellant is the Pradhan of Sripur – II Gram Panchayat. The meeting for his removal from the post of Pradhan has been fixed today. The appellant filed a writ petition bearing number W.P.A. 15539 of 2026, challenging a notice of motion dated June 19, 2026, which was brought by the respondent nos. 11 to 20, seeking removal of the appellant from his office as Pradhan.

2) Mr. Sanyal, learned senior advocate submits that the subject requisition was the third one. The earlier requisitions failed on technical grounds and for non-compliance of the provisions of Section 12(2) of the West Bengal Panchayat Act, 1973. The writ Court held that, pendency of an application filed by

the appellant before the prescribed authority under Section 11(1)(d) of the said Act of 1973, could not prevent the elected members of the Gram Panchayat (requisitionists) from bringing a notice of motion of no confidence against the Pradhan.

3) In our view, Her Lordship was correct in holding so, inasmuch as, the democratic right of the requisitionists to remove an office bearer, who had lost their confidence, is embedded in the statute. Section 12 of the 1973 Act provides the mechanism for removal of the Pradhan.

4) However, we take judicial notice of the fact that the prescribed authority before whom the application for disqualification of the members was pending under Section 11(1)(d), had not disposed of the same, despite direction of the High Court. The fate of such inaction may have had a direct bearing on the requisition, had the decision gone in favour of the appellant's prayer for disqualification of some of the members who brought the requisition, but until and unless the members are disqualified under the law by the appropriate authority, they have a right to bring the requisition. Such right cannot be taken away by the Court. Such has been the interpretation of two Division Benches, in the matter of **Ujjal Mondal Vs. State of West Bengal**, reported in 2013 1CHN 458 and **Abdul Ahad Vs. The State of West Bengal & Ors**, reported in 2017 1CaILJ 71.

5) Under Section 12 of the said Act, the time limit prescribed by law for the prescribed authority to take steps are mandatory. Whereas, the law does not prescribe any time limit for disposal of an application filed under Section 11(1)(d) of the 1973 Act. It only

stipulates the same should be done within a reasonable time.

6) A contempt application from the alleged disobedience of the order dated June 5, 2026, is pending before the learned Judge who had directed that the application should be disposed of within 15 days from the date of communication of the order of His Lordship.

7) The concerned authority sat tight over the matter.

8) The same authority does not deal with the application for disqualification and the notice of motion to remove the Pradhan. In this case, the prescribed authority is the Block Development Officer, who has acted in accordance with Section 12 of the said Act of 1973. The failure of the prescribed authority (Sub-Divisional Officer) to take steps and to comply with the order of the learned writ Court dated June 5, 2026, shall be dealt with in an appropriate proceeding.

9) Even if the alleged non-compliance by the Sub-Divisional Officer has created a difficult situation for the appellant, and the appellant was deprived of an opportunity to establish the grounds for disqualification of some of the requisitionists, the requisition cannot be held to be contrary to law. The law will follow its own course, insofar as, the motion is concerned.

10) The appeal and the application are disposed of with the above observations, but without any interference with the order impugned.

11) The meeting shall continue and be reached to its logical conclusion. Although we appreciate the agony of the Pradhan, but as the

law does not prohibit moving a motion of no confidence when applications are pending for disqualification of the members/requisitionists, we cannot set aside the decision of the prescribed authority (Block Development Officer) to proceed on the basis of the requisition, as the requisition was otherwise found to be in order. If we interfere with the process, it would be rewriting the statute, which beyond the powers of the writ Court.

12) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)