

Item No.7
09.09.2026
Court. No. 12
GB

MAT 1274 of 2026
With
CAN 1 of 2026
With
CAN 2 of 2026

Ambiya Bibi Laskar
VS
Sumana Guha & Ors.

*Mr. Kamalesh Bhattacharya,
Mr. Rafiqul Islam,
Mr. Mukteswar Maity,
Ms. Manika Sarkar*

...for the Appellant.

*Mr. Pulakesh Bajpayee,
Ms. S. Sureka*

...for the State.

*Mr. Partha Sarathi Bhattacharyya, Sr. Adv.,
Mr. Sudarshan Ghosh,
Mr. Raju Bhattacharyya*

...for the Respondents.

In Re: CAN 1 of 2026

1. This is an application for condonation of delay of 16 days in filing the appeal.
2. Having considered the averments made in paragraphs 3 to 5, we are satisfied that the delay has been explained properly.
3. Accordingly, the delay is condoned.
4. CAN 1 of 2026 is allowed and disposed of.
5. The appeal is regularized.

In Re: MAT 1274 of 2026

6. The appeal arises out of an order dated June 18, 2026, passed in CPAN 1718 of 2024. By the order impugned the learned Court recorded that the Pradhan had confessed

before Her Lordship that the affidavit-of-compliance was signed by her and the same was prepared by a clerk.

7. Upon hearing the parties, especially the appellant, Her Lordship was of the specific opinion that the appellant was not in a position to run the affairs of the gram panchayat and was completely guided by her husband. The Sub-Divisional Officer, Baruipur was directed to take a decision on the issue of alleged unauthorized construction involved in WPA 24294 of 2023.
8. Mr. Kamalesh Bhattacharya, learned advocate for the appellant submits that the order was without jurisdiction as Her Lordship directed the Secretary, Panchayat and Rural Development Department to take note of the functioning of the contemnor as Pradhan of the Uttar Durgapur Gram Panchayat and to consider the appointment of an administrator in order to take over the management of the gram panchayat. The Officer-in-Charge, Jaynagar Police Station was directed to cause an investigation into the bank accounts and financial details of the contemnor/appellant and her husband. The contemnor/appellant was directed to disclose all her bank details and her husband's bank details to the Officer-in-Charge, Jaynagar Police Station.
9. Contempt is a quasi-criminal proceeding. The adjudication involves punishment of the contemnor, upon the court being satisfied that the order passed in the writ proceeding had been violated. The adjudication

attracts punishment either by way of imprisonment or fine, under the Contempt of Courts Act, 1971.

10. The office of the Pradhan has been statutorily provided. The Pradhan is an elected representative of the people. The Pradhan is an office bearer, being elected by the members of the gram panchayat. Sections 11 and 12 deal with removal of a member of the gram panchayat and removal of the Pradhan by way of vote of no confidence, respectively. The contempt court could not have directed removal of Pradhan and appointment of an administrator. The court cannot remove an elected representative. Moreover, the Officer-in-Charge could not be directed to investigate into the finances of the husband of the appellant, behind his back and is in violation of the principles of natural justice. It is also in violation of the principles governing proceedings relating to contempt.
11. Under such circumstances, the order impugned is set aside, insofar as, directions in paragraphs 7, 8 and 9 are concerned.
12. However, we appreciate the agony of the Court and the helplessness. We have repeatedly come across instances when the Pradhans have not only flouted the order of the Court but has pretended ignorance of the order. They have shown utter disrespect and disregard to the majesty of the constitutional courts. It becomes a futile exercise if the Courts are rendered incapable of implementing their order. The Pradhans have a responsibility under the law

and they are to discharge their statutory functions. When they fail to discharge their statutory functions, the aggrieved citizens rush to court, because they have no other alternative. The Court is the last resort. Even after repeated notices and directions passed by the Court, things have not improved.

13. Under such circumstances, although we are not inclined to go into the factual aspects in this matter but, we strongly feel that Her Lordship must have been forced to take such measures out of sheer frustration. Her Lordship has already directed the Pradhan to be personally present before Her Lordship and Her Lordship shall proceed in accordance with the provisions of the Contempt of Courts Act, and pass necessary orders.
14. Accordingly, the appeal and the connected application are disposed of.
15. With regard to the contention of Mr. Bhattacharya that the Sub-Divisional Officer should not be delegated the function of the Pradhan, we find Section 23(5) confers jurisdiction upon the Sub-Divisional Officer and if Her Lordship has lost faith in the Pradhan, we do not find any illegality in that. The Secretary of the Panchayat and Rural Development Department must organise orientation programmes and trainings for persons manning the gram panchayat and local bodies. Local self-government is the constitutional mandate. Unfortunately they are manned by people who are not

capable of understanding the responsibilities conferred upon them by the statute. If the administration has to run properly, the Secretaries of the departments have a moral responsibility to rise up to the occasion and take some remedial measures by educating those persons running the administration, at all levels.

16. Registry will communicate a copy of this order to the Secretary, Panchayat and Rural Development Department forthwith.
17. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)