

**Item 22**  
10.08.2026  
Court. No. 12  
*Cp/Gb*

MAT/1279/2026  
IA NO: CAN/1/2026, CAN/2/2026

MD. NAIMUDDIN AND OTHERS  
VS  
MD. JIYAU HOQUE AND OTHER

Mr. Tanmoy Chattopadhyay  
Mr. Jay Laha

....for the appellants.

Mr. Dibasish Basu  
Mrs. Sneha Dutta  
Mr. Purnendu Das

.....for the State.

Mr. Manojit Bhattacharyya  
Mr. Masud Malik  
Ms. Mahua Naskar

.....for the respondent no.1.

Re: CAN 1 of 2026

The applicants are members of the Ratua II Panchayat Samiti. They pray for leave to appeal on the ground that the writ petition was filed in their absence and a direction was passed by the learned Single Judge, asking the prescribed authority to hold the meeting for removal of the Sabhapati of Ratua II Panchayat Samiti.

The applicants submit that they lost their valuable democratic right to participate in the vote of no confidence which was brought against the Sabhapati. Under such circumstances leave is granted. CAN 1 of 2026 is allowed.

The appeal is registered.

Re: MAT/1279/2026

The appeal has been filed against an order passed by a learned Single Judge, whereby and whereunder the prescribed authority was directed to hold the meeting at 3 p.m. of July 30, 2026.

It is submitted by the respondents that a notice of the meeting had been served upon the appellants earlier and, thereafter, communication was sent by email after the order of Her Lordship. The meeting has been held and the erstwhile Sabhapati has been removed. However, the election of the new Sabhapati has not yet taken place.

Mr. Chattopadhyay, learned advocate submits that the earlier notice may have been received by the appellants but, subsequent thereto, the meeting scheduled to be held on July 30, 2026 had been cancelled.

Learned advocate for the respondents/requisitionists submits that the Sub-Divisional Officer had antedated the notice because he was present in Court on the date of the notice to affirm an affidavit in respect of another matter.

The question which arises is whether the Sub-Divisional Officer had acted in accordance with law and had actually signed the document or had created the document to suit his purpose. However, we are, prima facie, satisfied that the appellants being members, had

a right to vote in accordance with the democratic process on the basis of which the panchayat samiti functions. They have been deprived of such right to vote. As such, the election of the new Sabhapati will not take place till the disposal of the appeal. The Sahakari Sabhapati will run the day to day function without taking any major policy and financial decision.

Let affidavit-in-opposition be filed within a period of two weeks; reply thereto, if any, be filed with a period of two weeks thereafter.

Liberty to mention.

**(Shampa Sarkar, J.)**

**(Arjun Ray Mukherjee, J.)**