

09.09.2026
SL No.12
Court No.12
(gc)

MAT 1279 of 2026
With
CAN 2 of 2026

Md. Naimuddin & Ors.
VS
Md Jiyaul Hoque & Ors.

Mr. Gangadhar Das,
Mr. Tanmoy Chattopadhyay,
Mr. Jay Laha

... for the Appellants.

Mr. Srijib Chakraborty,
Mr. Masud Mallik

... for the Respondent No.1.

Mr. Dibasish Basu, Ld. AGP.,
Ms. Sneha Dutta,
Mr. Purnendu Das

...for the State.

1. Affidavits-in-opposition filed by the respondent no.5 and the respondent no.1 are taken on record.
2. Liberty is granted to file affidavit-in-reply to both the affidavits.
3. The appeal was admitted upon granting leave. The Court was satisfied that the appellants had a right to vote in the process of removal of the Sabhapati of the Panchayat Samity. We find from the affidavits that 13 members voted against the Sabhapati. Thus, even if the appellants were allowed to vote, they could not have formed any majority.
4. Under such circumstances, the interim order is vacated and the election of new Sabhapati shall take place in accordance with law.
5. Till such time, the Sahakari Sabhapati will run the day-to-day affairs of the said Samity without taking any major policy and financial decision.

6. However, the election of the new Sabhapati will be subject to the final disposal of the appeal.
7. We have been told that the appeal preferred by the Sabhapati, being MAT 1287 of 2026 was dismissed by this Court. It is submitted by Mr. Chakraborty that, only the Sabhapati, who was directly affected by result of the meeting, could have approached the court.
8. The application for stay will be treated as a paper book.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)