

September 9, 2026
(25) ARDR

WPA 24978 of 2026

Masiur Rahaman
Vs.
The State of West Bengal & ors.

Adv. Mrityunjoy Chatterjee,
Adv. Manas Das,
Adv. Suchismita Chakraborty,
...for the petitioner.
Adv. Tapasi Palit Sinha,
Adv. Suman Chattopadhyay,
...for the State.

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

The petitioner who is the Sabhapati of Sagardighi Panchayat Samiti has assailed the notice issued by the Prescribed Authority for election of a new Sabhapati of the Samiti during pendency of the appeal preferred by him.

Learned counsel for the petitioner submits that a complaint was lodged against the petitioner under Section 213A of The West Bengal Panchayat Act, 1973 seeking his disqualification as Sabhapati of the Samiti. A show cause notice was issued upon him by the Prescribed Authority on 30th July, 2026 to which the petitioner submitted a reply on 7th August, 2026. The petitioner appeared before the Prescribed Authority on the date of hearing, i.e., on 7th August, 2026. The Prescribed Authority, by an order passed on 13th August, 2026 disqualified the petitioner from being a member of the Panchayat Samiti with immediate effect on the ground of voluntarily giving up his party membership. The petitioner carried the said order in appeal before the District Magistrate on 24th August, 2026.

The appeal is pending. During pendency of the appeal, the Prescribed Authority has issued a notice on 1st September, 2026 fixing the date of meeting for election of a new Sabhapati on 10th September, 2026. The petitioner seeks a direction upon the appellate authority to dispose of the appeal within a stipulated time frame and stay of the meeting till the appeal is disposed of.

Since the appeal preferred by the petitioner is pending, the Prescribed Authority ought not to have issued a notice for holding a meeting for election of a new Sabhapati.

In view of the above, the District Magistrate, Murshidabad cum appellate authority, being the 3rd respondent herein, is directed to dispose of the appeal within three weeks from the date of communication of this order upon granting reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

The decision taken by the appellate authority shall be communicated to the petitioner within a week thereof.

The notice issued by the Prescribed Authority on 1st September, 2026 fixing the date of hearing on 10th September, 2026 be stayed till disposal of the appeal.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)