14.10.2026
Court No. 12
Item No.19
Sandip

MAT 1416 of 2026
With
CAN 1 of 2026

Farida Khatun
Vs.
The State of West Bengal & Ors.

Mr. Shuvro P. Lahiri,
Mr. Md. Habibur Rahaman,
Mr. Ankan Mondal,
Mr. Monmohan Singh Roop Roy
...for the Appellant.

Mr. Suman Banerjee,
Mr. Atreya Chakraborty
... for the State.

Mr. Mrityunjoy Chakraborty,
Mr. M. Nazar Chowdhury,
Ms. Farheen Rais,
Mr. Yousuf Hassan
...for the Respondent Nos. 15-24 & 26-28.

1. The appeal arises out of an order dated August 21, 2026 passed in W.P.A. 18682 of 2026.
2. When the appeal was admitted, we were of the, prima facie, view that the prescribed authority had not satisfied himself about the compliances under by taking steps under Section 12(3) of the West Bengal Panchayat Act, 1973 (hereinafter referred to as the said Act).
3. We directed that the meeting which was scheduled to be held on August 27, 2026 at 12.30 P.M. should not be held and in the event the meeting was already held, and the Pradhan was removed by majority votes, she shall not exercise any financial power till the disposal of the

appeal. Only day-to-day expenses would be permitted. Direction was passed for exchange of affidavits. The respondents have come up with their respective affidavits. The queries which had been put by us are sought to be answered.

4. Mr. Lahiri, learned advocate for the appellant submits that copy of the motion was neither delivered at the office of the Gram Panchayat nor sent to the address of the Pradhan. The motion which was sought to be sent to the Pradhan was addressed to the Gram Panchayat office and not the residence. He relies on the decision of a Division Bench of this Court in the matter of ***Gopal Kumar & Anr. Vs. The State of West Bengal***, reported in ***2014 SCC Online Cal 22353*** in support of the contention that, all the compliances required by law were to be checked by the prescribed authority before the prescribed authority could issue a notice convening the meeting.

5. Mr. Lahiri has drawn the attention of this Court to the postal receipt and the track reports in support of his contention that until August 24, 2026 the motion had not been delivered at the panchayat office. The certificate of the Secretary of the gram panchayat has been highlighted by Mr. Lahiri in support of his contention that the said authority had specifically recorded that no motion had been served at the panchayat office.

6. We first deal with the affidavit-in-opposition filed by the prescribed authority. We find from the records that the requisition was submitted to the prescribed authority on

July 15, 2026. It bore the signature of fourteen members. The party affiliation of the said members were also mentioned. Thus, we find compliance of Section 12(2) of the said Act. The copy of the said motion was forwarded to Farida Khatun, Pradhan, Matikunda -II Gram Panchayat, village – Durgapur and to the Pradhan, Matikunda -II Gram Panchayat postal receipts were find such fact from the motion which has been addressed to the prescribed authority. The prescribed authority called a meeting on July 23, 2026 at 12 noon to satisfy himself about the compliance of Section 12(3) of the said Act. The attendance sheet of the meeting held on July 23, 2026 has been annexed. All the requisitionists were present before the prescribed authority. Thereafter, the meeting was convened and of the date of the meeting for removal of the Pradhan was fixed on August 6, 2026. The appellant moved the writ petition and the meeting was stayed. Thus, the meeting could not be held within the prescribed period of 15 working days from the date of receipt of the requisition. The postal receipt in respect of the letter addressed to the Pradhan has been shown to us and it has also been brought to our notice that the letter head of the gram panchayat on which the purported certificate was given by the Secretary was an old one and not the current one. The name of the Pradhan was incorrect on the letter head. Thus, a doubt has been created with regard to the authenticity of the said document and the declaration given by the Secretary that

no copy of the motion was served in the office of the gram panchayat.

7. Secondly, we find that the Secretary of the gram panchayat informed the prescribed authority that the husband of the appellant had unlawfully removed the hard drive of the CCTV footage from the office of the gram panchayat sometime in September 2026. Thus, it will be impossible now for anybody to prove that the requisitionists had actually served a copy of the requisition at the panchayat office. However, we do not find from the averments made in the writ petition that the appellant had not received any notice of the motion and was unaware of the same. She has enclosed the copy of the envelop addressed to the gram panchayat office and also the notices and requisition. She had knowledge of the same.

8. In view of the aforesaid circumstances, we accept the submission of the State that the prescribed authority had checked the legal compliance before convening the meeting.

9. We now deal with the affidavit-in-opposition of the requisitionists. The requisitionists submitted the requisition dated July 15, 2026 at the gram panchayat office. The stamp of the office and the signature of the secretary is available from the receipt copy. Two postal receipts were produced before the prescribed authority, one addressed to Farida Khatun, Pradhan Matikunda-II, Jagtagaon and the other addressed to the Pradhan, Matikunda – II Gram Panchayat.

10. Under such circumstances, we are not inclined to accept the contention of Mr. Lahiri that the motion was not delivered at the office of the gram panchayat and was not sent to the residence of the pradhan.
11. Accordingly, the appeal and the connected application are dismissed.
12. The prescribed authority shall hold the election for the new Pradhan. The appellant will hand over the charge to the Upa-pradhan immediately and the prescribed authority will take necessary actions under the provisions of law.
13. The accounts of the day to day expenses which was incurred in the gram panchayat office after the order was passed by us on August 27, 2026, shall be rendered by the pradhan to the prescribed authority. The Upa-pradhan will run the day to day affairs of the gram panchayat, but will not to take any major decision until the election of the new pradhan. Thereafter, the newly elected Pradhan will take charge.
14. We also note that the meeting could not be held within 15 working days because of the stay granted by the writ Court. There is no infirmity in the procedure followed for removal of the appellant.
15. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)