07.10.2026
Court No. 12
Item No. 13
Sandip

MAT 1728 of 2026
With
CAN 1 of 2026

Md. Nurjammal Sk. & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Anindya Lahiri, Sr. Adv.,
Mr. Arkadeb Biswas,
Mrs. Debarati Roy Chowdhury
...for the Appellants.

Mr. D. N. Roy, Ld. G.P.,
Ms. Susmita Saha Dutta, AGP,
Mr. Niladri Saha
... for the State.

Mr. Pankaj Halder,
Mr. Omar Faruk Gazi,
Ms. Bidisha Das,
Mr. Pratikur Rahaman
...for the private respondent.

1. The order impugned is set aside for the following reasons.

(a) The order impugned was passed by expanding the scope of the writ petition. The prayers are set out below:-

> "a) Leave may be granted under Rule 26 of the Rules, relating to move this writ petition without serving notice upon the respondent authorities under writ rules;
> b)A writ in the nature of -Mandamus and or all appropriate order or direction commanding the Respondent Authorities, particularly the Respondent No. 5 to 7, to ensure the protection of the life, personal liberty, safety and free movement of the Petitioners and to ensure that the Petitioners are not subjected to any further threat, intimidation, coercion, unlawful restraint or interference by the private Respondents or by any person acting on their behalf and the Respondent Police Authorities to provide

necessary protection to the Petitioners and their family members, in view of the apprehension of further threat, intimidation, assault, retaliation or unlawful restraint;

c) A writ in the nature of Mandamus and/or appropriate order or direction commanding the Respondent Authorities to consider the representation dated _06.09.2026 (Annexure "P/7") and..... to duly verify the genuineness and voluntariness of any signature, consent, authorisation, document purported participation allegedly attributable to the Petitioners before acting thereon,

d) A writ in the nature of Mandamus and/or appropriate order or direction commanding the Respondent Authorities to take immediate protective steps for tracing and securing the original certificates, documents and papers belonging to the Petitioners allegedly retained by the Private Respondent Nos. 8 to 10 and/or persons acting on their behalf, and to ensure that the same are not destroyed, concealed, transferred, altered, fabricated or otherwise misused.

e) A writ in the nature of --Mandamus and/or any other appropriate writ, upon the Respondent Police Authorities to take appropriate action in accordance with law 011 the complaint dated 06.09.2026 submitted by the Petitioners, including investigation into the allegations of unlawful restraint/detention, forcible taking away of mobile phones and documents, threats, intimidation, assault and coercion, and to take such consequential steps as may be warranted in accordance with law;

f) A Rule NISI in the terms aforesaid and make the same absolute;

g) Interim Order during the pendency of the present writ petition, stay the operation on the entire constitute of Bhasaipaikar Gram Panchayat Pradhan and Upa-Pradhan Constitute till the disposal of this writ petition;

h) Pass such further and/or other order or orders and/or direction or directions as Your Lordships may deem fit and proper in the interest of justice.

And for this Act of Kindness, your petitioners as in duty bound shall ever pray."

(b) Neither the requisition nor the steps taken by the prescribed authority were under challenge before the writ Court.

(c) The prayers essentially relate to police inaction under Group – IX of the classification list of the writ rules, whereas the said application was filed under Group – V which relates to panchayat matters.

(d) In the course of hearing of the writ petition the requisitionists tried to develop a case from the bar that the signatures of some of the requisitionists had been obtained by force and secondly the prescribed authority acted on the basis of an undated motion.

2. The order impugned is set aside. The writ petitioners/respondent nos. 8 to 14 are entitled to challenge the proceedings under Section 12 of the West Bengal Panchayat Act, 1973 by filing a proper application before the appropriate forum.

3. We are informed that the meeting has been held but the subsequent steps were stayed on account of the order impugned. In view of the setting aside of the order impugned the prescribed authority will proceed according to law.

4. Accordingly, the appeal and the connected application are disposed of.

5. 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.)