

02-04.2019
Court No.3
Sh/06.

**CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
WRIT APPELLATE JURISDICTION
APPELLATE SIDE**

W.P.A. 14 of 2019

Dipu Mondal.Petitioner.

Vs.

State of West Bengal & Ors.

Mr. Rabisankar Chattopadhyay,
Mr. Sankar De,
Mr. Rahul Hore,
Mr. Samir Das.

... For the Petitioner.

Mr. Joyjit Dutta. . .Ld. Additional Govt. Pleader,
Mr. Momenur Rahaman. .Jr. Govt. Pleader,
Ms. Bedashruti Bose.

. . .For the State.

Affidavit of service filed in Court today is
taken on record.

Learned advocate representing the sole writ petitioner submits that notice was sent under mail to Binod Oraon, being the private respondent no. 10, but from the track report it appears that the item could not be delivered since refused.

The present writ petition is preferred ventilating the grievance of not deciding the representation dated 15th January, 2019 made by the writ petitioner addressed to the Block Development Officer, Dhupguri Block, District

Jalpaiguri, interalia, praying for disqualification and removal of the respondent no.10 from the post of Prodhan and also termination of membership of Sakoajhora-1 Gram Panchayat.

During course of submission learned advocate appearing for the petitioner placed reliance on Section 213A(I)(a)(ii), which provides procedure to be followed in the matter of adjudication on the point of dis-qualification of a member of panchayat by the Prescribed Authority.

Section 213A sub-section 11 also provides that within eight weeks from the date of receipt of petition the Prescribed Authority shall decide the grievance on the issue contemplated under Section 213A of the West Bengal Panchayat Act, 1973.

It appears from the writ petition that the petitioner upon declaring himself as Joint Secretary of a particular political party of the district and also one of the elected members of Sakoajhora-1 Gram Panchayat made representation on 15th January, 2019 to the Block Development Officer, Dhupguri, District Jalpaiguri, which is kept pending for more than eight weeks though the contention of the petitioner is that under the relevant provisions of Section 213A(11) the Block Development Officer, being the Prescribed Authority, is required to

adjudicate on such complaint within the prescribed period.

Upon considering the above facts, specially the pendency of the representation before the concerned Block Development Officer with effect from 16th January, 2019 the said Block Development Officer, being the respondent no.4 herein, is directed to take decision on the grievance ventilated by the petitioner upon submitting such representation dated 15th January, 2019 within a period of six weeks from the date of communication of this order after granting opportunity of hearing to the petitioner and all the interested parties. The respondent no.4 is also directed to pass order assigning adequate reasons and communicate the same to the petitioner and all other interested parties within two weeks from the date of taking such decision.

It is, however, made clear that this Court has not gone into the merits of the representation dated 15th January, 2019 and all points are kept open for adjudication by the respondent no.4.

Accordingly, the instant writ petition, being W.P.A.14 of 2019 is disposed of without any order as to costs.

Urgent Photostat Certified copy of this order, if applied for, be supplied to the learned advocates appearing for the parties expeditiously on compliance of all requisite formalities.

(SAUGATA BHATTACHARYYA, J.)