

Ct. 19
Item No.14
26.07.2021
(suvendu)

WPA 11824 of 2021

**Mrityunjay Rajak & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. P.S. Burman
Mr. Monoranjana Mahata
.....for the petitioners
Mr. Pratip Kumar Chatterjee
.....for the respondent no.

Mr. Anirban Ray, Ld. G.P.,
Mr. Raja Saha
Mr. Biswabrata Basu Mallick
Mr. Sanjib Das
.....for the State

The writ petition has been filed challenging a notice dated July 15, 2021 issued by the Commissioner, Directorate of Panchayat & Rural Development, Government of West Bengal.

It is the contention of the petitioners that the Commissioner did not have any right to call the petitioners for the hearing on the issues raised by the respondent no.7. According to Mr. Deb Burman, learned advocate appearing on behalf of the petitioners, the law does not prescribe the authority who shall take a decision on the objections raised under Section 8 (c) and 9(10) of the West Bengal Panchayat Act, 1973. Mr. Deb Burman relies on the order of the Block Development Officer. The Block

Development Officer was of the view that he did not have any jurisdiction to hear out the complaint lodged by the respondent No. 7. Accordingly, clarification was sought for from the Commissioner, Directorate of Panchayat & Rural Development, Government of West Bengal. Thereafter the Commissioner, Directorate of Panchayat & Rural Development, Government of West Bengal, issued the notice dated July 15, 2021, calling upon the parties to appear for a hearing in terms of the order of the Division Bench of this Court.

Mr. Chatterjee, learned advocate appearing on behalf of the respondent no. 7, submits that the complaint has been lodged under Section 213 of the West Bengal Panchayat Act, 1973 and the prescribed authority to hear the objection is the Commissioner. According to him, the allegations are violation of the provisions of Sections 8(C) and 9(10) of the Panchayat Act, by the petitioners and such allegations/complaints are disposed of in terms of section 213 of the Panchayat Act. He submits that the concerned Block Development Officer was directed by a Division Bench of this Court to decide the issues, including the question of jurisdiction.

Considering the respective contentions of the parties, this Court, therefore, does not find any

justification in keeping the writ petition pending at this stage. The Block Development Officer has decided that he does not have jurisdiction to decide the objection filed by the respondent No. 7 and has referred the matter to the Commissioner. In my opinion, the Commissioner should decide the issues involved in the matter, including the issue of his jurisdiction to hear the matter. The rules, government orders and notifications that have been issued from time to time, in this regard, shall be taken into consideration.

The petitioners and the respondent no.7 shall be allowed to place their respective cases through their learned advocates. Liberty is also granted to both the parties to submit their respective notes of arguments and relevant documents, if so required. A reasoned order shall be passed and communicated to the respective parties.

The Commissioner, Directorate of Panchayat & Rural Development, Government of West Bengal, shall complete the entire exercise within eight weeks from date and shall communicate its decision to the parties expeditiously thereafter.

The writ petition is disposed of. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking. All parties to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)