

26.11.2021
Sl. No.33
srm

W.P.A. No. 17709 of 2021

Arup Mondal
Vs.
The State of West Bengal & Ors.

Mr. Atarup Banerjee,
Mr. Mrityunjoy Chatterjee,
Mr. G.M. Imrohi Majumder,
Mr. Debapriya Majumder,
Mr. Srijeet Basu Roy

...for the Petitioner.

Mr. Partha Sarathi Bhattacharya,
Mr. Usuf Ali Dewan,
Mr. Asif Dewan

...for the Respondent Nos.7, 8 & 9.

Mr. Raja Saha,
Mrs. Supsa Chakraborty

...for the State-respondents.

Affidavit of service is taken on record.

The petitioner prays for a direction upon the Sub-Divisional Officer, Jangipur Sub-Division, Murshidabad, to dispose of a complaint, which was sent by e-mail to the said authority. Upon realising that the application under Section 11(1)(d) of the West Bengal Panchayat Act, 1973 containing allegations against three members of the Sagardighi Gram Panchayat, District-Murshidabad, was wrongly addressed to the Block Development Officer, Sagardighi Development Block, Murshidabad, such e-mail was sent to the Sub-Divisional Officer.

This Court finds that the authority to decide any complaint is the Sub-Divisional Officer and not the Block Development Officer. In the opinion of the court, the contentions of Mr. Bhattacharya, learned Senior Advocate appearing on behalf of the respondent Nos.7 to 9, and Mr. Saha, learned Advocate appearing on behalf of the State-respondents, are correct. The application before the concerned Block Development Officer was a nullity and cannot be looked into by the Sub-Divisional Officer, even if the same has been forwarded to the said Officer. Thus, the prayer in the writ petition cannot be allowed.

Under such circumstances, the letter issued to the Block Development Officer is set aside and cancelled. The e-mail sent to the Block Development Officer is also set aside and cancelled. The petitioners are granted liberty to proceed in accordance with law by filing appropriate application, if the situation so arises. Such application, if filed, shall be disposed of in terms of the provisions of the statute within a reasonable period.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)