

Item No. 99

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

04.02.2021
Ct-24

W.P.A.18309 of 2019

Sudan Kaibarta

v.

The State of West Bengal & Ors.

Mr. Pratip Kumar Chatterjee

... for the petitioner.

Mr. Ziaul Haque

... for the respondent nos. 9 & 10.

The petitioner alleges that the respondent no. 9 being the Pradhan of the Birgram Gram Panchayat and the respondent no. 10 being the wife of a member of the Birgram Gram Panchayat have acted contrary to the provisions of Section 8(c) and Section 9(10) of the Panchayat Act, 1973.

The petitioner raised an objection before the Block Development Officer and the Prescribed Authority for taking necessary steps against the aforesaid persons by way of a representation which was received by the office of the respondent authority on August 29, 2019. The petitioner alleges that the said representation has not been disposed of by the authority till date.

None appears on behalf of the State respondents despite service.

The learned advocate for the respondent nos. 9 and 10 submits, upon instruction, that the work of the tender process has been completed long back and payment has already been received in respect of the work done.

Be that as it may, as an objection has been raised for violating the aforesaid provisions of law, it was incumbent on the part of the Block Development Officer and the Prescribed Authority to consider and dispose of the representation made by the petitioner as far back as in the month of August 2019. The State respondents ought not to have sat tight over the matter for such a long period of time.

In view of the above, the instant writ petition is disposed of by directing the respondent no. 6 being the Block Development Officer and the Prescribed Authority to consider the representation made by the petitioner, strictly in accordance with law, within a period of eight weeks from the date of communication of a copy of this order, after giving an opportunity of hearing to the petitioner and all other necessary parties. The said respondent shall pass a reasoned order and communicate the same to the petitioner and all other necessary parties immediately thereafter.

It is made clear that this Court has not gone into the merits of the prayer of the petitioner and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioner.

WPA 18309 of 2019 stands disposed of.

Affidavit-of-service filed in Court today be kept on record.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(**Amrita Sinha, J.**)