

21.09.2021
Court No. 19
Item no.05
CP

WPA 22315 of 2019

Murtuj Alam
Vs.
State of West Bengal & ors.

Mr. Kallol Basu
Mr. Soupal Chatterjee

.....for the petitioner.

Mr. Gangadhar Das

.....for the respondent no. 3.

Petitioner is one of the members of the Kharba Gram Panchayat under Chanchal 1 Development Block, Chanchal, Malda. Petitioner alleges that the meetings of the said gram panchayat had been held without giving any notice to the petitioner. Petitioner has not been able to participate in any of the said meetings. That there has been embezzlement of funds allotted to the said gram panchayat for developmental work. That the official seal has not been handed over to the petitioner who claims to be the leader of the opposition.

Mr. Das, learned advocate appearing on behalf of the pradhan, submits that all the notices prior to the meetings have been served upon the petitioner. He hands over certain receipts, showing that the wife of the petitioner, namely, Naseda Bibi had received the notices on behalf of the petitioner. Another copy

has been handed over showing that the official seal was received by the petitioner in presence of a witness, namely, Rajib Kumar Das. The audit report has been filed in court in order to show that apart from minor discrepancies in the internal audit report for the fourth quarter of 2018-19, there are no discrepancies in the accounts. Moreover, the pradhan has undertaken before the court that the clarification sought for in the internal audit report has already been provided pursuant to the letter of the Block Development Officer. The documents provided by Mr. Das in court are kept on record.

Mr. Basu, learned advocate for the petitioner, submits that even if the notices were served upon the wife of the petitioner, the same was not done as per law as three days minimum notice was the legal requirement before holding any meeting. He further submits that certain contractors had been allotted work orders who had not even completed the work. He next submits that the signatures obtained on some of the documents were forged.

Having heard the contentions of the parties, this court is of the opinion that the Block Development Officer Chanchal 1 Development Block shall look into the grievances of the petitioner and dispose of the series of complaints lodged by the petitioner which appear as Annexure – D to the writ

petition. While disposing of the said contentions of the petitioner, the Block Development Officer, Chanchal 1 Development Block, shall give a hearing to the petitioner, to the pradhan and to the secretary of the gram panchayat and pass a reasoned order. The reasoned order shall be communicated to all concerned.

It is made clear that the panchayat authorities shall abide by the provisions of law and ensure that the petitioner is made aware and served with notices as per the provisions of law as and when required.

The Block Development Officer shall dispose of the complaints and communicate the order to the parties within a period of two months from the date of communication of this order. This court has not gone into the merits of the case and the Block Development Officer will decide the entire matter independently and on the basis of records.

This writ petition is, thus, disposed of. There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)