

AD. 28.
February 3, 2021.
MNS.

W. P. A. 8820 of 2020
(**Via video conference**)

Krishnapada Gorain and others
Vs.
The State of West Bengal and others

Mr. Dinendra Nath Chatterjee,
Mr. Madhusudan Mondal

... for the petitioners.

Mr. Raja Saha,
Mr. Amit Kumar Ghosh

...for the State-respondents.

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

Despite service, none appears on behalf of
the Panchayat authorities, although the
petitioners and the State-respondents are
represented through counsel.

The petitioners allege that two tenders
were issued by the Deoli Gram Panchayat on
September 9, 2020 and September 23, 2020 for
the self-same work. The petitioners participated in
the first tender. Subsequently, by a decision
dated September 28, 2020, the Pradhan of the
concerned Panchayat cancelled all previous
tender processes. On the same date, a fresh

tender was floated under the signature of the concerned Pradhan for the same work.

Learned counsel submits that, pointing out such discrepancies and in view of the petitioners being unable to participate in the last tender process due to the chaotic situation prevailing in view of the confusion as to several tenders being issued for the same work, a representation was given on October 13, 2020 by the petitioners to the District Magistrate of Purulia to look into the matter.

It is further argued by counsel for the petitioners that the petitioners restrict their prayer to consideration of the said representation.

Learned counsel for the State-respondents submits that he has no instruction that any hearing has been given to the petitioners on the said representation, as contended by learned counsel for the petitioners.

It is rightly argued by learned counsel for the State-respondents that the writ petition does not disclose any receipt of such representation by the concerned District Magistrate. Moreover, it is

doubtful whether the District Magistrate has any authority in the matter.

However, irrespective of the merits of the representation, since certain serious allegations have been levelled by the petitioners, it would sub-serve the ends of justice if the District Magistrate is directed to dispose of such representation of the petitioners.

W. P. A. 8820 of 2020 is, thus, disposed of by directing respondent no. 2 to consider and dispose of the representation dated October 13, 2020, being Annexure- P9 at page – 33 of the present writ petition, by treating such annexure as a representation, and to decide on the same, including the question of the authority of the respondent no. 2 to decide the matter, within three weeks from date.

Respondent no. 2 shall communicate the decision taken on such representation at the earliest thereafter to the petitioners.

There will be no order as to costs.

Parties are to act on communication by learned advocates and/or server copy of this

order without insisting on prior production of the certified copy thereof.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)