

S/L 80
20.09.2022
Court. No. 19
GB

W.P.A. 411 of 2022

Giyasuddin Laskar
VS
The State of West Bengal & Ors.

Mr. Mukteswar Maity.

...for the Petitioner.

*Mr. Raja Saha,
Mr. Biswabrata Basu Mullick.*

...for the State.

Affidavit-of-service filed in Court today, be kept with the record. The police report is also taken on record.

It appears that the Pradhan, Dakshin Gangadharapur Gram Panchayat has already submitted a written statement before the Block Development Officer, Pathar Pratima Development Block, by answering to the allegations made by the petitioner. The Block Development Officer has not yet passed a reasoned order on the basis of the reply filed by the panchayat authorities.

The written instruction is taken on record. The Block Development Officer has filed an instruction before the Court, inter alia, narrating the facts and denying the allegations of the petitioner. This Court is of the view that as there are allegations against the Pradhan and Upa-Pradhan, the Block Development Officer must allow the petitioner to participate at a hearing with supporting documents in order to establish the allegations of illegality, procedural irregularity and defalcation, which have been made against the Pradhan and Upa-Pradhan.

It appears that a mass representation was made before the Block Development Officer. The Block Development Officer is directed to consider and dispose of the representation. A hearing shall be given to the petitioner and/or a representative of the petitioner, Pradhan, Upa-Pradhan of the concerned Gram Panchayat and thereafter a reasoned order shall be passed. The same shall be communicated to all concerned. The written statement filed by the Pradhan shall also be taken into consideration and supplied to the petitioner, so that the petitioner is also able to deal with the same, at the time of hearing. Parties shall be allowed to file their supporting documents and written versions.

The entire exercise shall be completed within a period of three months from date of communication of this order.

Petitioner is directed to serve a copy of the writ petition along with a server copy of this order upon the Block Development Officer.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)