

18.5 2022  
Court No. 19  
Item no.14  
sn

WPA 518 of 2022

Sarifuddin Sekh  
Vs.  
The State of West Bengal & Ors.

Mr. Pratip Kr. Chatterjee ...for the petitioner

Ms. Manali Ali ..for the State

The petitioner is a resident under the Bero Gram Panchayat. The allegation is that the Gram Panchayat has not formed the supervisory committee. The complaint of the petitioner and other public spirited villagers is that such committee consisting of the petitioner and others ought to have been constituted for execution of the work of the gram panchayat. Reference has been made to Rule 17 of the West Bengal Panchayat (Gram Panchayat Accounts Audit and Budget) Rules, 2007.

The allegation is that the Gram Panchayat should have considered that if the Gram Unnayan Samiti or samitis could not execute the works, an employee of the Gram Panchayat should have been entrusted with the responsibility for such execution under the guidance and supervision of the Gram Unnayan Samiti. Failing which, a supervisory committee consisting of three members should have been assigned the work as a temporary arrangement.

According to the petitioner, such supervisory committee was not constituted for execution of the works.

The next contention of the petitioner is that the works which had been allotted to different tenderers had been undervalued, in order to avoid the e-tendering process. Allegation of favouritism has been made.

Ms. Ali, learned advocate for the State respondents submits that the petitioner does not have any locus to maintain the writ petition. She next submits that it is neither for the petitioner nor for the Court to decide whether the terms and conditions of the tender were reasonable and correct. The wisdom of framing the conditions are best left to the executive. The Court cannot supplement its views, even if, the Court finds the conditions to be unwise or unsound.

Heard the learned advocates for the respective parties.

The petitioner is a villager who has not participated in the tenders. It has not been pleaded that on account of under valuation of the works, the petitioner had suffered any injury. Thus, the petitioner does not have any locus to challenge the Notice Inviting Tenders, in the absence of any

document to show that the petitioner had suffered any prejudice.

The other allegation of non-compliance of Rule 17 is also a development from the bar. Neither the averments nor the prayers in the writ petition indicate that the petitioner is aggrieved by such non compliance. Moreover, the interpretation of Rule 17 by Mr. Chattejee, cannot be accepted by this Court. The rule provides a mechanism for execution of public projects by the gram panchayat through samitis. It is up to the Gram Panchayat to get the works executed either through a Gram Sansad or Samiti or through a Supervisory Committee. There is nothing on record to show that the works had not been executed and the development of the area had suffered due to the inefficiency of the Gram Unnayan Samiti

Omnibus allegations have been made of siphoning of funds, favouritism, denial of opportunity to other villagers. Such allegations are not supported either by pleadings or evidence.

This Court does not find that the petitioner has any legal right to challenge the tendering processes as the petitioner has not participated in any such process. If the villagers are of the opinion that developmental works are not being executed, and the developmental projects have been stalled, they are at

liberty to approach the Block Development Officer, Raghunathpur 1 Block and their allegations shall be considered by the said authority in accordance with law. The provisions of Rule 17 of the said rules have no manner of application.

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 and/or learned advocate's communication.

**(Shampa Sarkar, J.)**