

10.02.2022
Court No. 19
Item no.08
CP

WPA 1360 of 2022

Gopal Chowdhury
Vs.
The State of West Bengal & Ors.

Mr. Mritunjay Chatterjee
Mr. D. Majumder

..for the petitioner.

Mr. Usuf Ali Dewan
Mr. Asif Dewan

....for the respondent no. 7.

Mr. Raja Saha
Mr. Biswabrata Basu Mallick

....for the State.

The only prayer of the writ petition is that the Sub-Divisional Officer, Chanchal Sub-Division has failed to dispose of the complaint of the petitioner under Section 11(1)(d) of the West Bengal Panchayat Act, 1973.

It has been contended by the petitioner that pursuant to receipt of the said complaint, a hearing was given to the petitioner on January 14, 2022 at 3.30 pm. The next date has been fixed on February 18, 2022. The petitioner seeks expeditious disposal of the said complaint. The petitioner is the Pradhan of Mahanandapur Gram Panchayat.

Mr. Dewan, learned advocate appearing on behalf of the respondent no. 7, i.e., the member against whom the complaint has been filed, submits that his client appeared before the prescribed authority but the complaint as also the documents annexed to the complaint which was filed before the prescribed authority was not handed over to the said respondent. He submits that unless such complaint as also the documents are received, it would not be possible for the respondent No. 7 to answer to the complaint filed by the petitioner.

Mr. Saha, learned advocate for the State, submits that law does not prescribe a time limit within which such applications/complaints have to be disposed of.

This court is of the opinion that when the statute does not prescribe any time limit within which an authority must act, the authority must act within a reasonable time.

The respondent no. 7 shall attend the hearing on February 18, 2022. The prescribed authority shall supply copies of the documents filed by the petitioner as also the complaint, to the respondent no. 7. Thereafter, upon granting a reasonable opportunity to the respondent no. 7 to file his written version to the said complaint, the prescribed authority shall dispose of the proceedings in accordance with law

upon granting an opportunity of hearing to all as also upon granting an opportunity to the parties to adduce oral and documentary evidence in support of their respective contentions.

It is expected that the entire issue should be disposed of within a period of three months from the date of communication of this order.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)