

S/L 84
28.09.2022
Court. No. 19
GB

W.P.A. 4177 of 2022

Shridam Chandra Mandal
VS
The State of West Bengal & Ors.

*Mr. Sukumar Ghosh,
Ms. Moumita Ghosh.*

...for the Petitioner.

*Mr. Srijan Nayak,
Ms. Rituparna Maitra.*

...for the State.

*Mr. Uttam Kr. Bhattacharya,
Mr. Kaustav Mishra.*

...for the Respondent No.5.

Mr. Mridul Kanti Sasmal.

...for the Respondent Nos.9 to 13.

Affidavit-of-service filed in Court today, be kept with
the record.

It appears that the petitioner had filed a civil suit with regard to certain private disputes against some of the private respondents. Certain orders were passed in the civil suit. Parties were directed to maintain status quo. The allegation is that the Pradhan of Balluk-II Gram Panchayat at the instigation of some outsiders is trying to disturb the petitioner's peaceful existence and day to day living. The Pradhan has also issued a notice indicating that the petitioner had been socially boycotted by the villagers. It is submitted that the Pradhan had taken sides with the opponents of the petitioner and had disconnected the water supply line.

The learned advocate for the respondent nos.9 to 13 denies the allegations. He submits a resolution of the village committee which indicates that the petitioner himself had

expressed his unwillingness to take the water connection, which had been provided in the village.

These disputed questions of facts cannot be gone into. Clearly there appears to be several disputes between the petitioner and the villagers. The only issue is whether the Pradhan, who is a statutory authority, could have issued a notice to the petitioner informing him that he was boycotted by the villagers. The reason why the petitioner was asked to attend the meeting by the Pradhan, is also not before the Court. No reason was disclosed in the notice apart from the fact that the petitioner facing a social boycott and petitioner should attend the office of the Pradhan, urgently.

The learned advocate for the respondent nos.9 to 13 also hands over a copy of a letter, addressed to the Block Development Officer, indicating that no social boycott was continuing against the petitioner and his family members.

The letter relied upon by the petitioner dated October 8, 2021 and the letter submitted by the respondent nos.9 to 13 dated January 3, 2022, are contradictory.

Under such circumstances, there seems to be a confusion with regard to the current situation. The petitioner as a citizen, is entitled to live peacefully and enjoy all the civic amenities as per law. However, if the petitioner himself chose not to take the water supply connection, the issue would be different. Thus, the writ petition is disposed, of with liberty to the petitioner to approach the Block Development Officer, Sahid Matangini Block, by filing a detailed representation, narrating the problems which the

petitioner has been facing in his day to day life, at the instance of the Pradhan.

The Block Development Officer shall dispose of such representation of the petitioner in accordance with law, upon granting a hearing to the petitioner, the Pradhan of Balluk-II Gram Panchayat and also to a representative of the respondent no.9 to 13. The Block Development Officer shall consider the grievances, hear the parties and issue necessary directions as he deems fit and proper. Such direction shall be issued within two months from the date of communication of the order.

It is clarified that the issues which are involved in the civil suit, shall not be decided or discussed by the Block Development Officer. The only issue, i.e., whether the petitioner's daily life is being disturbed by the Pradhan of Balluk-II Gram Panchayat, shall be looked into. If the petitioner is otherwise entitled to enjoy other civic amenities available within the Gram Panchayat, the same shall be made available to the petitioner upon the petitioner complying with all formalities. The private disputes between the petitioner and the villagers shall not be looked into. If the contentions of the petitioner are found to be correct, necessary order shall be passed within the aforementioned period.

With the above observations, 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.)