

15.03.2022
Court No. 19
Item no.09
CP

W.P.A. No. 4586 of 2022

Madan Naskar & anr.
Vs.
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya
Ms. Anita Shaw

...for the Petitioners.

Mr. Raja Saha
Mrs. Rupsha Chakraborty

....for the State.

Let affidavit of service be filed within the course of the day.

Despite service, none appears on behalf of the respondent nos. 6 and 7.

The petitioners are aggrieved by the non-consideration of the representation which appears at page 15 of the writ petition and marked as Annexure P-2. The contention of the petitioners who are the members of the Gopalpur Gram Panchayat (hereinafter referred to as 'the gram panchayat'), is that the Pradhan with *mala fide* intention resisted the petitioners from participating in the day-to-day activities of the gram panchayat. It is submitted that the Pradhan has retaliated due to initiation of a public interest litigation against the Pradhan, before this court.

In any event, this court is not in a position to decide the factual disputes involved and a superior

authority to the Pradhan must decide the issues in accordance with law.

Under such circumstances, this court is of the opinion that the Block Development Officer, Canning – 1 Development Block must dispose of the representation of the petitioners by making an inquiry into the allegations and pass a reasoned order upon hearing the Pradhan, other members of the gram panchayat as also the petitioners.

The parties will be at liberty to file their written versions and also adduce oral and documentary evidence in support of their respective contentions.

The reasoned order shall be passed and communicated to all. A copy of the representation which is annexed to the writ petition shall be forwarded to the Block Development Officer, Canning – 1 Development Block by the petitioners, along with a server copy of the order.

The entire exercise shall be completed 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.)