

27th April,
2022
(AK)
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W.P.A 5376 of 2022

Likhon Ali and others
Vs.
The State of West Bengal and others

Mr. Chittaranjan Chakraborty
Mr. Kashiswar Ghosal
...for the petitioners.

Ms. Sutapa Sanyal
Ms. Susnita Saha
...for the State.

The grievance of the petitioners is that the petitioners, who are small contractors, have been deprived from participating in a tender process floated by the Malatipur Gram Panchayat, since no public notice of the said tender was given by any of the modes as stipulated in law.

It is further contended, by placing reliance on the communication of the concerned Block Development Officer, Chanchal-II Development Block, Malda dated March 17, 2022 that the BDO had written to the Pradhan of the said Panchayat seeking an explanation in regard to the complaint lodged by the petitioners in that regard.

However, it is submitted that despite several follow-up notices, no steps have been taken in such regard.

Learned counsel appearing for the State-respondent submits, as per instruction, that subsequent to the intimation by the BDO, the Panchayat Pradhan had

produced *prima facie* material to show that due publication was made in several modes, including publication in a locally circulated Bengali News Paper and affixation on the notice board.

However, since, despite service, none appears for the Pradhan of the Panchayat, it is not possible to ascertain the exact stand taken by the Pradhan in respect of the allegations made in the present writ petition.

Be that as it may, in order to comprehensively resolve the issue, WPA 5376 of 2022 is disposed of by directing the respondent no.2, the District Magistrate, Malda to decide the legality of the tender process upon giving adequate opportunity of hearing and/or representation to all concerned parties, as expeditiously as possible, preferably within a month from date.

Any action taken prior to the District Magistrate coming to a decision in the above regard shall abide by the result of the order of the District Magistrate.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)