

05.04.2022
Court No. 19
Item no.06
CP

W.P.A. No. 5529 of 2022

Wakedujjaman Biswas

Vs.

The State of West Bengal & Ors.

Mr. Usuf Ali Dewan

Mr. Asif Dewan

...for the petitioner.

Mr. Sunil Kr. Gupta

....for the respondent nos. 5 & 6.

Mr. Jaharlal De

Mr. Shamim ul Bari

...for the State.

Affidavit of service is taken on record.

Despite service, none appears on behalf of the respondent no. 7.

The tender has already been issued in favour of the respondent no. 7 and the work is in progress. There is no scope for passing any interim order, either staying the tender process or injuncting the respondent no. 7, i.e. the successful bidder, from continuing the work as the tender was with regard to a public project and was to be completed in a time bound manner, i.e. within 15 days from the issuance of the work order. It is likely that the work has been completed.

The petitioner alleges that the tender was issued to favour some of the known persons of the Executive Assistant, Beharia Gram Panchayat Office.

Such allegation cannot be decided by this court as the writ court cannot be transformed into a fact finding authority. There are no documents annexed to the writ petition which would indicate that the illegalities are apparent on the face of record.

Under such circumstances, the writ petition is disposed of without any orders.

The petitioner has filed a complaint before the District Magistrate, Murshidabad on March 24, 2022 which was received by the office on March 25, 2022. The said representation of the petitioner may be disposed of in accordance with law, by the concerned District Magistrate upon hearing the petitioner, the panchayat authorities as also the respondent no. 7.

A reasoned order shall be passed and communicated to all.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

The petitioner is directed to serve a copy of this order along with a copy of the writ petition in the office of the District Magistrate, Murshidabad.

This court has not gone into the merits of the matter and the entire issue shall be decided by the District Magistrate, Murshidabad independently.

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.)