

05.04.2022  
Court No. 19  
Item no.07  
CP

W.P.A. No. 5535 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. Soumitra Mukherjee

Mr. Rajat Dutta

...for the State.

Affidavit of service is taken on record.

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

The petitioner has prayed for cancellation of the financial evaluation of a tender process.

The work order has already been issued in favour of the respondent no. 7, who was the successful bidder. There is no scope for passing any order, either staying the tender process or injuncting the respondent no. 7 from continuing with the work. The tender was with regard to a public project and 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 is near completion. The prayer in the writ petition cannot be granted at such a belated stage. The work order dated March 24, 2022 is taken on record.

The petitioner alleges that the tender was issued in favour of persons close to the Executive Assistant of 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 alleged illegalities are apparent on the face of the 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.)**