

Item No. 2

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

29.06.2022
Ct-24

WPA 5177 of 2020
Kashi Nath Bag
v.
The State of West Bengal & Ors.

Mr. Ritendra Banerjee
Mr. Sandip Kundu
... for the petitioner.

Mr. Jahar Lal De, Sr Adv.
Mr. Shamim ul Bari
... for the State respondents.

The writ petition stood disposed of by the Court on June 22, 2022. The matter was running in the list dated June 6, 2022 and the same was taken up serially.

The affidavit of service filed in Court on 22nd June, 2022 contains the postal receipt and the track report of the service that was effected directly upon the District Magistrate, Hooghly, the Sub-divisional Officer Arambagh and the Block Development Officer, Pursurah Block on 15th June, 2022. However, the notice upon the learned Government Pleader was served on 22nd June, 2022 mentioning that the matter will be taken up by the Court on 24th June, 2022.

The matter has been mentioned by the learned senior advocate representing the State respondents to draw attention of the Court that the notice for moving

the writ petition was served in the office of the learned Government Pleader on June 22, 2022 intimating that the matter will appear in the list on June 24, 2022.

Due to non-service of the copy of the writ petition prior to the matter being taken up for consideration by the Court, the State respondents could not be represented on June 22, 2022.

As it appears that the matter was taken up for consideration prior to the date which was mentioned in the notice served in the office of the Government Pleader, accordingly, the order dated June 22, 2022 stands recalled.

After hearing the submission made on behalf of both the parties it appears that the petitioner's allegation is with regard to non-consideration of the representation made to the respondents on March 6, 2020 alleging corruption in releasing money under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 in the Gram Panchayat Bhangamore till date.

As it appears that the representation of the petitioner is pending consideration at the end of the respondents, accordingly, the instant writ petition is disposed of by directing the Sub Divisional Officer, Arambagh being the respondent no. 3 herein, to consider the representation filed by the petitioner strictly in accordance with law, at the earliest, after giving opportunity of hearing to all the necessary parties within

a period of four weeks from the date of communication of this order and pass a reasoned order and communicate the same to the parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim of the petitioner and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated 6th March, 2020 to the respondent no. 3 at the time of communicating the order of this Court.

The writ petition stands disposed of

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

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(Amrita Sinha, J.)