

15.3.2022
Court No. 19
Item no.14
sn

WPA 7430 of 2019

Sujahan Bibi
Vs.
The State of West Bengal & Ors.

Mr. Mukteswar Maity
Ms. Moupiya De Basufor the petitioner

Mr. Satyajit Mandal
Mr. Sarwar Jahan
Mr. S. Naskar
..for the Respdt.8

Md. Galib
Ms. Subhra Nag
..for the State

The petitioner is one of the members of Gazipur Gram Panchayat. The petitioner alleges that the Pradhan in collusion with one Nirman Sahayak an Ex-Assistant and one Gram Raksha Sevak had committed various irregularities. Such irregularities relate to defalcation of fund as also grant of work under the MGNREGA scheme, to ineligible persons.

The Pradhan is represented by Mr. Jahan, learned advocate, who denies the allegations. According to Mr. Jahan, the allegations are baseless without any foundation.

As these are disputed questions of facts, which cannot be gone into by the Writ Court, this Court is of the opinion that the complaint lodged by the

petitioner before the Block Development Officer, Kulpi Block, South 24 Parganas dated March 12, 2019, which is Annexure P/4 at page 28 of the writ petition, must be disposed of by the concerned Block Development Officer, in accordance with law.

The Block Development Officer shall cause an enquiry into the matter, inspect the records of Gazipur Gram Panchayat and hear the parties. The report of such enquiry shall be prepared and supplied to the respective parties. A hearing shall be given to all the parties as also other members of Gazipur Gram Panchayat and, thereafter, a reasoned order shall be passed and communicated to all concerned.

The parties shall be entitled to file their written versions/ objections to the report and also adduce documentary evidence in support of their claims.

Needless to mention that on the basis of what transpires during the aforementioned process, steps shall be taken in accordance with law.

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

The writ petition is disposed of without any order. This court has not entered into the merits of the claims and counter claims of the parties.

There will be however no order as to costs.

Parties are to act on the server copy of this order and/or learned advocate's communication.

(Shampa Sarkar, J.)