

22.09.2022
Court No. 19
Item no.14
CP

W.P.A. No. 12987 of 2021

Majid Miya

Vs.

The State of West Bengal & Ors.

Mr. Kaushik Choudhury

Mr. Sabyasachi Hazra

Ms. B. Khatun

...for the petitioner.

Mr. Raja Saha

Mr. Shamim-ul-Bari

...for the State.

Affidavit of service is taken on record.

Despite service, none appears on behalf of the
Pradhan, No. 4 Nandanpur Gram Panchayat.

Despite opportunity having been given to the
Pradhan, No. 4 Nandanpur Gram Panchayat to
appear before the court and assist the court with
necessary information regarding the claim of the
petitioner, the pradhan is not before the court. The
absence of the pradhan is an affront to the court.
However, as the disputes are with regard to the
factual issues and cannot be decided by the writ
court, the matter is relegated to the District
Magistrate, Dakshin Dinajpur for determination of
the questions which have been raised by the
petitioner and also for further determination of the

allegations which have been made against the Pradhan, No. 4 Nandanpur Gram Panchayat.

The writ petition is disposed of with a direction upon the District Magistrate, Dakshin Dinajpur to consider and pass necessary order on the representation dated August 11, 2021. The District Magistrate shall cause an enquiry through the Block Development Officer, Gangarampur Development Block, in order to ascertain the correct state of affairs. The Block Development Officer shall hold an inspection and give a hearing to the Pradhan, No. 4 Nandanpur Gram Panchayat and other interested parties, as also the petitioner. A report shall be filed before the District Magistrate, Dakshin Dinajpur. On the basis of the report to be filed by the Block Development Officer, the District Magistrate, Dakshin Dinajpur, shall dispose of the issues and take corrective measures if the allegations of the petitioner are proved to be correct. However, if it is found that the allegations of the petitioner are not correct, then necessary intimation shall be given to the petitioner.

Needless to mention, the report of the Block Development Officer shall also be served upon the petitioner to enable the petitioner to make appropriate submissions at the hearing before the District Magistrate, Dakshin Dinajpur.

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

A copy of the writ petition along with a server copy of this order be served upon the District Magistrate, Dakshin Dinajpur as also the Block Development Officer, Gangarampur Development Block, for necessary compliance of this order.

The authority shall decide the entire dispute independently. This court has not expressed any opinion on the merits.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)