

S/L 57
14.09.2022
Court. No. 19
GB

W.P.A. 16037 of 2021
With
CAN 1 of 2022

Sachin Jaiswal & Ors.
VS
The State of West Bengal & Ors.

Ms. Susmita Saha Dutta,
Mr. Niladri Saha.

...for the Petitioners.

Ms. Mousumi Bhowal,
Mr. Ishan Bhattacharya.

...for the Applicants.

Mr. Jahar Lal De,
Mr. Shamim Ul Bari.

...for the State.

Affidavit-of-service filed in Court today, be kept with
the record.

CAN 1 of 2022 is an application for addition of party.

The applicants in the CAN are the secretaries of different self-help groups. These groups operate under different projects within Bagichapur Gram Panchayat. The allegation is that the Gram Panchayat has been granting lease of a pond, namely, 'Bura Masna Pond', situated at Plot No.608 of Mouza-Ukhali without following the provisions of Rule 13(1) of the West Bengal Panchayat (Accounts, Audit and Budget) Rules, 2007. According to the applicants, as they are aggrieved by the illegalities of the Pradhan of the concerned Gram Panchayat, they must be added in this proceeding and be heard.

The writ petitioners have also challenged the same decision of grant of lease of the pond, on similar grounds of irregularities. The Court finds that the petitioners and the

applicants have a common cause of action. Thus, the intervenors/applicants are also heard.

The writ petitioners are four out of seven members of the 'Artha O Parikalpana Upa-Samiti' of the concerned Gram Panchayat. It is submitted that in the meeting that was scheduled, the lease of 'Bura Masna Pond' was not an agenda. According to the writ petitioners, without any decision of the 'Artha O Parikalpana Upa-Samiti', the pond could not have been leased out. The allegation of nepotism, favouritism and mala fide intention has been made against the Pradhan. It is further submitted that public auction was not held.

Under such circumstances, this Court deems it fit to direct the petitioners in the writ petition as also the intervenors, who are applicants in CAN 1 of 2022 to make a detailed representation before the District Magistrate, Dakshin Dinajpur, ventilating their grievances. The District Magistrate shall hear the contentions of the petitioners, other applicants, the Pradhan of Bagichapur Gram Panchayat and the successful bidders in whose favour the lease had been granted. A reasoned order shall be passed and the same shall be communicated to all concerned.

If the allegations of the petitioners and the intervenors are found to be correct, necessary orders shall be passed in this regard and remedial steps shall be taken. If the allegations of the petitioners are found to be incorrect, such findings shall be incorporated in the order.

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

A copy of the writ petition as also a copy of CAN 1 of 2022 along with a server copy of this order, be served upon the District Magistrate for necessary compliance.

This Court has not gone into correctness of the allegations and directs the authority to take a decision in this regard.

Accordingly, the writ petition along with CAN 1 of 2022 are 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.)