

D/L
Item No. 8
17.08.2022
KOLE

WPA 17659 of 2022

Sandhya Mondal
-Vs.-
The State of West Bengal & Ors.

Mr. P. S. Deb Barman,
Mr. S. P. Lahiri,
Mr. K. Ganguly,

...for the petitioner.

Mr. Rajarshi Basu,
Mr. S. T. Mina,

...for the State.

Mr. Pankaj Halder
Mr. S. Panja,

...for the respondent nos. 7 to 12.

Mr. Abadur Rakib,
Mr. B. Sarkar,

...for the respondent nos. 13 to 16.

The petitioner, being the Pradhan of Akandabaria Gram Panchayat, is aggrieved by the acts and actions on the part of the some of the elected members of the Gram Panchayat in taking steps to approve the SAAP for the year 2021-22. The provisions of law has been placed before this Court, specially the provisions of Sections 48 and 49 as well as Section 16 of the West Bengal Panchayat Act, 1973 and the provision of Rule 5 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

According to the petitioner the supplementary budget cannot be placed for approval till the regular budget is approved.

Learned Advocate representing the respondent nos. 7 to 12 submits that the budget for the financial year 2021-22 has already been approved.

According to the respondent nos. 7 to 12, the Pradhan is not taking care of the interest of the Gram Panchayat.

The petitioner contends that there is a defalcation case pending against the respondent no. 6 and that is the reason the other members of the Gram Panchayat are trying to proceed for approval of the supplementary budget.

From the submissions made on behalf of the parties it appears that there is a dispute between the elected members. There is an allegation of financial irregularity.

In such a situation the Court is of the opinion that the matter be taken up for consideration by the Block Development Officer, Kaliachak-III Development Block.

The aforesaid Block Development Officer is directed to conduct an enquiry with regard to the grievances of the members and take all necessary steps in accordance with law in the interest of the Gram Panchayat. An opportunity of hearing shall be given by the Block Development Officer to all the members of the Gram Panchayat including the Pradhan and the Upa-Pradhan.

The Block Development Officer shall advice and suggest the members the proper course to be adopted in the present situation.

The Block Development Officer is directed to look into the legality of the resolution adopted by the majority members of the Gram Panchayat on 5th August, 2022.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)