

S/L 47
31.10.2022
Court. No. 19
GB

W.P.A. 19768 of 2021

Nemai Mondal & Ors.
VS
The State of West Bengal & Ors.

Mr. Manas Kumar Das.

...for the Petitioners.

*Mr. Malay Singh,
Ms. Neelam Singh.*

...for the State.

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

The petitioners allege that the authorities of Amlai Gram Panchayat has been extending lease of nine ferry ghats to certain favoured persons without following the Panchayat Manual and without holding a public auction. According to the petitioners, such action is violative of Rule 13 of the West Bengal Panchayat (Accounts, Audit and Budget) Rules, 2006. The petitioners state the auction of public property for grant of the lease, must be held for generation of maximum revenue. The Pradhan of Amlai Gram Panchayat by favouring certain persons has caused loss of revenue to the state exchequer.

As there are allegations with regard to loss of public revenue and grant of lease of ferry ghats in violation of the rules, this Court is of the view that all the issues raised in this writ petition must be decided by a very senior officer in the state administration.

Accordingly, the writ petition is disposed of with a direction upon the District Magistrate or his delegatee, not

below the rank of an Additional District Magistrate, to treat the writ petition as a representation and dispose of the same in accordance with law. While doing so, an opportunity of hearing shall be given to the concerned Block Development Officer, the Pradhan of Amlai Gram Panchayat, the petitioners and any other interested party, who may be involved with the lease of the ferry ghats. A reasoned order shall be passed and communicated to the parties.

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

The court has not gone into the merits of the claims of the petitioner. All issues are kept open to be decided by the appropriate authority, independently.

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

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.)