

S/L 2
22.02.2022
Court. No. 19
GB

W.P.A. 21109 of 2021

Chhabat Ali Gazi & Ors.
VS
The State of West Bengal & Ors.

Mr. Mohinoor Rahaman,
Ms. Maria Rahaman.

...for the Petitioners.

Mr. Jahar Lal Dey,
Mr. Amrita Lal Chatterjee.

...for the State.

Mr. Surajit Basu,
Mr. Manoj Kurmi,
Mrs. Ranu Mondal.

...for the Respondent No.6.

The petitioners are the members of Bhebia Gram Panchayat. The contention of the petitioners is that the Pradhan, who is represented by Mr. Surajit Basu, had forged the signatures of some officials working in the office of the Sub-Divisional Officer. It is further submitted that on the basis of the said forged signatures, on vital documents, the Pradhan had proceeded with the allotment of contractual works in favour of his people.

The allegation is that such incident occurred sometime in 2019 and the entire action was done without consulting the members. It is further submitted that despite a complaint before the District Magistrate, North 24 Parganas at Barasat, dated December 3, 2021, the said authority has not proceeded to enquire and ascertain the correctness of the statements of the petitioners.

It is prayed that directions be passed upon the authority to make a thorough investigation into such

allegation and ensure that such malpractices do not continue in the panchayat offices. Prayer is also made that punitive steps be taken against the Pradhan.

The learned advocate for the Pradhan disputes the allegation of forgery. He submits that out of vengeance such allegations have been made. It is further submitted that, had the Pradhan been indulging in such activities since 2019 as alleged, there was no reason why the petitioner waited for more than two years, to file the complaints.

These disputed questions of facts cannot be ascertained by a writ Court. However, as there are serious allegations against the Pradhan, the Court is of the opinion that the complaint of the petitioner being Annexure P/4 at page 35 of the writ petition should be disposed of by the District Magistrate, North 24 Parganas at Barasat upon hearing all the necessary parties and by conducting an enquiry, in accordance with law. A report of such enquiry shall be prepared and supplied to the parties. Needless to mention that steps shall be taken on the basis of what transpires at the enquiry and at the hearing, against the erring officials. A report shall be prepared and communicated to all.

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

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All parties are directed to act on the basis of the learned advocates' communication.

(Shampa Sarkar, J.)