

21.09.2022
Item No. 07
Court No.6.
S. De

**M.A.T. 1480 of 2022
with
I.A. No. CAN 1 of 2022**

**Md. Golam Kibria.
Vs
Jiaul Hoque & Ors.**

Mr. Supratim Dhar,
Mr. Joy Chakraborty,
Mr. Sandip Dinda,
...for the appellant.

Mr. Sumit Roy,
Mr. Ashok Kumar Jha,
Ms. Moumita Mondal,
...for the respondent no.1.

Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata,
...for the State.

A judgment and order dated September 2, 2022, whereby W.P.A. No. 19695 of 2022 was disposed of, is under challenge in this appeal.

The private respondent/writ petitioner approached the learned Single Judge praying for cancellation of a notice inviting tender which according to him, was issued irregularly. It was brought to the notice of the learned Judge that by a letter dated August 10, 2022 issued by the concerned Block Development Officer, the impugned tender notice already stood cancelled. The learned Judge, therefore, held that nothing survives for decision in the writ

petition. However, the learned Judge went on to observe as follows :-

“The Pradhan, Gangaprasad Gram Panchayat shall act on the basis of the directions of the Block Development Officer. The Block Development Officer shall ensure that the directions in the letter dated August 10, 2022 bearing Memo No.2239/K-II are complied with by the Pradhan, Gangaprasad Gram Panchayat.

It is made clear that public money cannot be wasted and misutilized. The villagers should not suffer.”

Being aggrieved, the Pradhan of the concerned Gram Panchayat is before us by way of this appeal.

We notice from the order impugned that the Pradhan being the present appellant, was not represented before the learned Judge. Learned advocate for the appellant says that the Pradhan received a copy of the writ petition on the very day on which the order impugned was passed. Hence, he could not make arrangement for being represented before the learned Judge.

We are not going into the issue of whether or not the appellant had sufficient cause for not being

represented before the learned Judge on September 2, 2022. If the appellant is of the view that he had sufficient cause, he may approach the learned Single Judge with an appropriate application in accordance with law. If the learned Judge is persuaded that the appellant had good cause for not being represented on the day the writ petition was disposed of, the learned Judge may pass appropriate orders.

We do not interfere with the order under appeal.

Since we have not called for affidavits, the allegations contained in the stay application are deemed not to be admitted by the respondents.

MAT 1480 of 2022 is disposed of along with the application being I.A. No. CAN 1 of 2022.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)