

15.03.2022
Court No. 19
Item no.24
CP

W.P.A. No. 8986 of 2020

Asit Kumar Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Partha Ghosh
Mr. Amal Kumar Datta
Mr. Debashis Das

...for the Petitioner.

Affidavit of service is taken on record.

Despite service, none appears on behalf of the respondent no. 6.

The matter has been appearing in the list for some time, and is taken up in the absence of the respondent no. 6. In view of the fact that this court is not passing any mandatory directions affecting the rights and interest of the said respondent, the matter can be disposed of in their absence.

The prayer of the writ petitioner is innocuous. The writ petitioner seeks a direction upon the prescribed authority to dispose of the complaint lodged under Section 213A of the West Bengal Panchayat Act, 1973.

Under such circumstances, this court directs the Block Development Officer, Balurghat to dispose of the application filed by the petitioner in accordance with law. While disposing the same on

merits, the question of maintainability, locus etc. shall also be decided.

This court has not expressed any opinion with regard to the issues raised and the entire issue shall be disposed of by the Block Development Officer, Balurghat in accordance with law and independently upon hearing the petitioner, the respondent no. 6 as also any other person who may be able to throw some light on the issues involved.

The respondent no. 6 shall be allowed to file a written statement, if not already filed. Thereafter, the parties shall be permitted to adduce oral and documentary evidence in support of their respective claims.

A reasoned order shall be passed and communicated to the parties concerned.

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

The time period mentioned hereinbefore is mandatory in nature.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)