

25.09.2023  
Item No.18  
gd/ssd

WPA(P)/127/2023  
IA NO: CAN/1/2023, CAN/2/2023  
SHYAMALI DAS  
VS  
STATE OF WEST BENGAL AND ORS.

Mr. Imtiaz Akhtar  
..for the Petitioner.

Mr. Amrita lal Chatterjee  
..for the State.

Mr. Atarup Banerjee,  
Mr. Rajdeep Pramanik  
..for the Applicants.

1. This public interest litigation has been filed by one Shyamali Das, wife of Uday Kumar Das, who admittedly was an elected Member of Ratua-II Panchayat Samity and Sabhapati of the same Panchayat Samity.

2. The petitioner seeks for appropriate direction to form a Special Investigation Team to examine the tenders which were awarded in favour of the certain third parties who have not been impleaded as respondents in the writ petition.

3. However, the said third parties in whose favour the work was allotted are filed CAN 1 of 2023 jointly without impleading the proper and necessary parties, the writ petition cannot be entertained and merely because the third parties have filed the

application to intervene in the matter cannot cure the inherent defect in the writ petition.

4. Therefore, on that ground the writ petition is liable to be dismissed.

5. The learned advocate appearing for the applicants in CAN 1 of 2023 and CAN 2 of 2023 has raised a preliminary objection as regards maintainability of the writ petition since the petitioner was a signatory to the decision taken by the Panchayat Samity to award the subject works to the applicants in CAN 1 of 2023 and CAN 2 of 2023.

6. This fact appears to be not in dispute. Therefore, the petitioner having participated in the decision to award that six tenders in favour of the six parties cannot now maintain the writ petition as a public interest litigation.

7. Therefore, the prayer sought for in the writ petition cannot be granted. However, if the petitioner is aggrieved by any decision taken by Panchayat Sabhapati, which, in our opinion, is not in accordance with law.

8. It will be well open to the petitioner to approach the concerned authorities for appropriate relief.

9. With the above observation, the writ petition stands dismissed.

10. In the light of the above order, no further orders are required in CAN 1 of 2023 and CAN 2 of 2023 and the same are, accordingly, disposed of.

**(T. S. SIVAGNANAM)**  
**CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**