

03.05.2023
Court No. 19
Item 23
CP

WPA No. 10628 of 2023

Selim Biswas
Vs.
The State of West Bengal & Ors.

Mr. Sadhan Kr. Haldar
Mr. A. K. Sarkar
... for the petitioner.

Mr. Lalit Mohan Mahata
Mr. P. B. Mahata
... for the State.

As the tender process has progressed considerably and the work order may be issued at any time, the court does not deem it fit to cancel the tender process.

Learned advocate for the petitioner fairly submits that the grievance of the petitioner is not against any successful bidder or any party who may have participated in the tender process. His contention is that the petitioner being the leader of the opposition party and a member of the Artha-O-Parikalpana Upa Samiti was not consulted when the Pradhan decided to publish the e-tender notice. It is submitted that the Bethuadahari II Gram Panchayat has been running without following the rules and regulations and without any discussion in the general meetings. Developmental works vide e-

tenders are being executed with any resolution of the Artha-O-Parikalpana Upa Samiti.

The petitioner has already approached the Block Development Officer with his grievances. The said representation is Annexure P-2 at page 13 of the writ petition. The same be disposed of by the concerned Block Development Officer, in accordance with law upon granting an opportunity of hearing to the petitioner as also the pradhan of the concerned gram panchayat and all other interested parties.

If the authority finds that the pradhan had acted beyond his jurisdiction and without consulting the Artha-O-Parikalpana Upa Samiti, necessary orders shall be passed directing the pradhan to take corrective measures, henceforth.

If the Block Development Officer finds that the work order had not yet been issued, in that event interim measures can be taken by the Block Development Officer, if illegalities are apparent on the face of record.

Before any hearing is given to the parties, an enquiry in the matter should be made.

A reasoned order shall be passed and communicated to all.

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

A copy of the writ petition along with the server copy of this order be served upon the Block Development Officer for necessary compliance.

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.)