

29
11.10.2023
A.G.M.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 11749 of 2023

**Sri Debashis Maity & Anr.
-Vs-
The State of West Bengal & Ors.**

**Mr. Narayan Chandra Bhandary
...For the Petitioners.**

**Mr. Santanu Kumar Moitra
Ms. Rama Halder
... For the State.**

The grievance of the petitioners is that they have been restrained from performing the work of tax collector without assigning any reason.

None represents the Panchayat.

Learned advocate representing the State respondents has obtained instruction from the Panchayat wherefrom it appears that the petitioners have not been permitted to act as tax collector as they do not collect taxes door to door on regular basis as a result of which the Gram Panchayat loses huge amount of revenue.

A show cause notice was issued to the petitioners but they did not reply to the same. All commission for collection of land and building tax has been cleared till 30th April, 2023.

Prior to restraining the petitioners from performing their duties, a show cause notice dated 23rd May, 2023 was issued directing the petitioners to submit reply to the show cause within three days.

Learned advocate representing the petitioners submits that reply to the show cause was duly filed before the concerned authority.

The instruction of the pradhan of the Panchayat clearly mentions that the reply to the show cause was not filed by the petitioners.

In view of the above, the petitioners are directed to file their reply to the show cause issued to them by 17th October, 2023.

The Panchayat is directed to consider the reply of the petitioners and afford them opportunity of hearing. If after hearing the petitioners, the Panchayat is of the opinion that the petitioners may be permitted to perform their duties, then necessary consequential steps may be taken.

The Panchayat is directed to take steps in the matter at the earliest but positively within a period of four weeks from the date of filing the reply to the show cause.

The writ petition stands disposed of.

Instruction forwarded by the learned advocate representing the State respondents be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)