

31.07.2023
Item No.11
gd/ssd

WPA(P)/391/2023
ANADI BARIK AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Soumen Kr. Dutta,
Mr. Sabyasachi Bhattacharjee
..for the Petitioners.

Mr. Samrat Sen, learned AAG,
Mr. Biswabrata Basu Mallick,
Mr. Mr. Sujit Chatterjee
..for the State.

1. By this public interest litigation filed by the Prodhans of various Panchayats and the Members have sought for appropriate direction so that the representation given by them on 11th May, 2023 to be considered and appropriate action be taken against the alleged erring Block Development Officer.

2. The learned Additional Advocate General raised an issue regarding the maintainability of the writ petition stating that all of them are Members of the Panchayats who have been elected and at their instance such writ petition should not be entertained.

3. We have come across where the public have approached this court alleging that the Prodhans of various Panchayats and the Members have committed various illegalities and irregularities and in spite of representation being made to the Block Development

Officer as well as other authorities, no action had been initiated.

4. However, we find the present writ petition to be an exception to the normal type of cases which are filed before this court where the Prodhans of various Panchayats and the Members have altogether filed the writ petition alleging various illegalities and irregularities said to have been committed by the Block Development Officer. In any event, since the matter has already been brought to the notice of the District Magistrate of Paschim Medinipore District, it would be appropriate for the District Magistrate to consider the representation dated 11.05.2023. The District Magistrate shall direct the concerned Block Development Officer to submit all the records qua the allegations which have been made and some of them have also been highlighted in paragraph 7 of the writ petition. This aspect shall also be considered and notices shall be issued to the writ petitioners who may be heard in representative capacity of two persons and after hearing the submissions of the Block Development Officer, appropriate orders be passed by the District Magistrate on merits and in accordance with law.

5. This direction be complied with within a period of eight weeks from the date of receipt of the server copy of this order.

6. With the above observations, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)