

14.08.2023
Item No.35
gd/ssd

WPA(P)/420/2023
MURTUJ ALAM
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Manab Ranjan Sarbadhikari,
Mr. Soupal Chatterjee,
Ms. Sucheta Banerjee
..for the Petitioner.

Mr. Alma Kr. Sen,
Mr. Sirsanya Bandhopadhyay,
Mr. Arka Nag
..for the State.

Mr. Billwadal Bhattacharyya,
Mr. Arijit Majumdar
..for the Union of India.

Mr. Gangadhar Das,
Mr. Tanmoy Chattopadhyay
..for the Respondent Nos.6 to 9.

1. By this public interest petition the petitioner is aggrieved by an order passed by the Block Development Officer, Chanchal-I Development Block, Malda District dated 8th June, 2023. In the writ petition several grounds have been stated as to how the order is bad in law.

2. After hearing the submissions of the learned advocate for the writ petitioner and going through the averments set out in the writ petition, we find that many of the allegations are disputed questions of fact which cannot be adjudicated in a writ petition.

3. Therefore, the appropriate course to be adopted by the writ petitioner is to file an appeal to the appropriate appellate authority if the petitioner is aggrieved by the order passed by the Block Development Officer dated 8th June, 2023.

4. Accordingly, the writ petition stands disposed of by giving liberty to the writ petitioner to file an appeal before the appropriate appellate authority challenging the correctness of the order passed by the Block Development Officer, Chanchal-I Development Block, Malda dated 8th June, 2023 and after such appeal is filed within a period of 30 days from the date of receipt of the server copy of this order, the said appellate authority after affording an opportunity of personal hearing to the writ petitioner as well as the Prodhan and the Upa-Prodhan of the Panchayat, namely, 7th and 8th respondents and also after calling for necessary records from the Block Development Officer, the appellate authority shall take a decision on merits and in accordance with law as expeditiously as possible.

5. Needless to state that if the appellate authority deems it appropriate to serve notice on any other party who is likely to be aggrieved, such party also shall be put on notice.

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

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)