

14
09.11.2023
Ct. No. 5
(Vacation Bench)
SB

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 25849 of 2023

Nasirul Hoque Biswas & Ors.
-versus
The State of West Bengal & Ors.

Mr. Robiul Islam
Mr. Raju Mondal
Mr. K. M. Hossain

...For the Petitioners

Mr. Santanu Mitra
Mr. Sabyasachi Bhattacharjee ... For the State

Mr. Debasis Kar
Mr. A. Islam

.... For respondent No. 6

Leave is granted to the advocate-on-record of the petitioner to implead the District Magistrate, Murshidabad as a party respondent in the instant writ petition. The formality of serving copy of the writ petition upon the added respondent stands dispensed with as the State is represented by the learned advocate.

The petitioner no. 1 is the Upa pradhan and the petitioner nos. 2 and 3 are the members of a Gram Panchayet. The petitioners challenge the action of the Pradhan of the Gram Panchayet in issuing notice inviting e-tender dated

09.10.2023. According to the petitioners, the same is impermissible in law. The petitioners rely upon an order passed by this Court on July 4, 2022 in W.P.A. 8615 of 2022 (Sir Krishnapada Mahato & Anr. –vs- State of West Bengal & Ors.).

The learned advocate representing the State respondents has received instruction and submits that resolutions were adopted by the Ortha-O-Parikalpana Upa-Samiti and the Gram Panchayet on 22.11.2023. The Block Development Officer has opined that the tender was issued for certain development work for the Gram Panchayet.

It appears from the documents annexed to the writ petition that the date for opening the financial bid is yet to be notified. The technical bid has, however, been opened.

To put an end to the issue that has been raised, the Court directs the District Magistrate, Murshidabad to afford an opportunity of hearing to all the necessary parties and to decide the issue in accordance with law.

The petitioners are directed to raise an appropriate objection before the District Magistrate, Murshidabad at the earliest but positively by tomorrow i.e. on November 10, 2023.

The aforesaid respondent shall decide the issue prior to the date of opening the financial bid.

The writ petition stands disposed of.

The Instruction forwarded by the Block Development Officer, Domkal, Murshidaba dated 08.11.2023 be retained with the record.

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

(Amrita Sinha, J.)