

08.02.2024

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PG/KS

Ct. No.1

W.P.A.(P) 50 of 2024

Ziaul Haque & Ors.

Versus

The State of West Bengal & Ors.

Ms. Chaitali Bhattacharya

Mr. Swarvanu Sahafor the petitioners

Mr. Udayan Chakraborty

Ms. Sarda Sha.....for the Union of India

Mr. Gangadhar Das.....for the respondent no.11

Mr. S. Basu.....for the respondent nos.
14 & 15

Mr. Tanmoy Chattopadhyay....for the respondent no. 12

1. By this public interest writ petition, the petitioners seek for a direction upon the authorities to prohibit issuance of tenders by the Pradhan of the panchayat on the ground that budget has not been prepared.
2. Earlier, a similar relief was sought for by one Hasen Ali in a writ petition (W.P.A.24472 of 2023), which writ petition stood disposed of by directing the Block Development Officer to consider the matter and conduct an inquiry. The Block Development Officer issued notice to Mr. Hasen Ali. The said writ petitioner did not appear in the first hearing and on the second hearing, he appeared and withdrew the complaint.
3. Therefore, the matter ended there.

4. The learned advocate appearing for the respondent/Pradhan would submit that the present writ petition is illegally motivated more so because the first writ petitioner's brother's wife was the erstwhile Pradhan and the second writ petitioner's wife was also the Pradhan and on account of political rivalry, the writ petition has been filed.
5. The learned advocate appearing for the writ petitioners submitted that they have no instruction on those aspects as to whether the brother's wife of the first petitioner and the wife of the second petitioner were Pradhans or not.
6. Be that as it may, the respondent/Pradhan has been elected in the election conducted in November, 2023 and as rightly submitted by the learned advocate appearing for the Pradhan, the time for conducting the audit and inspection would not have arisen. In any event, since public funds are involved, we would direct the District Magistrate, Malda to call for the necessary records from the Pradhan and examine as to the correctness of the manner in which the affairs of the panchayat are being administered.
7. However, the petitioners will not be issued any notice and it is upto the satisfaction of the District Magistrate to examine the matter and ensure that public funds are properly utilised.

8. With the above observations, the writ petition is disposed of.
9. No costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(SUPRATIM BHATTACHARYA, J.)