

01
22.03.2024
Court No. 24
AGM

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

W.P.A 8470 of 2024

**Manmohan Sing & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Gangadhar Das.
Mr. Tanmoy Chakraborty.
... for the Petitioners.**

**Mr. Santanu Kumar Mitra.
Mr. Amartya Pal.
... For the State.**

Affidavit-of-service filed in Court today be kept with the record.

The petitioners are the Sanchalaks of various Upa-samities of the Kenddangri Gram Panchayat. They challenge the autocratic manner in which the Pradhan of the Gram Panchayat is functioning.

It has been alleged that the Pradhan is taking unilateral decision as regards floating and finalization of tenders. The other members of the Gram Panchayat are not informed about the tender process.

Attention of the Court has been drawn to the notice inviting pre-qualification-cum-tender notice dated 30.01.2024 wherein the opening date of the technical bid has been mentioned but the opening date of the financial bid has been kept silent.

The petitioners allege illegality on the part of the Pradhan.

A legal representation demanding justice is pending consideration at the end of the Block Development Officer.

Learned advocate representing the State respondents submits, upon instruction that, out of three schemes which were put to tender only one of them matured and the other two stood cancelled on account of lack of proper participation.

It has been submitted that the petitioners chose not to participate in the meetings relating to the Artha-O-Parikalpana Upa Samity.

The petitioners were present in the meeting which was held for taking a decision to float the tender and the signatures of the petitioners are reflected in the resolution book.

It has been submitted that the demand notice on behalf of the petitioners has been forwarded by the Block Development Officer to the Pradhan for taking necessary steps.

As the primary allegation is against the Pradhan of the Gram Pradhan and it appears that the Block Development Officer is supporting the action of the Pradhan, accordingly, directing the Block Development Officer to decide the issue will be an idle formality.

In view of the above, the Sub Divisional Officer, being the respondent no. 4 herein is directed to consider and decide the legal notice forwarded on behalf of the petitioners in accordance with law after giving reasonable opportunity of hearing to the representative of the petitioners and the representative of the Gram Panchayat.

If the allegations of the petitioners are found to be genuine, necessary remedial steps shall be taken by the Sub Divisional Officer. A decision shall be taken in the matter prior to the opening of the financial bid and in the event, the financial bid has already been opened, then prior to the issuance of the work order.

Learned advocate for the petitioners is directed to forward a copy of the writ petition along with all

annexures to the Sub Divisional Officer at the time of communicating the order of this order.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)