

Item No.1995

29.02.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 19792 of 2023
Nupur Das & Ors.

v.

The State of West Bengal & Ors.

Mr. Gouranga Kumar Das
Ms. Paulami Dutta
... for the petitioners.

Mr. Lalit Mohan Mahata AGP
Mr. Rudranil De
... for the State.

Ms. Sonal Sinha
Mr. Avishek Prasad
... for the WB State Election
Commission.

The petitioners are the elected members of the Gram Panchayat. 9th August, 2023 was the date fixed for election of the Pradhan. The petitioner alleges that the Prescribed Authority and the Block Development Officer appointed one Rangani Murmu to preside over the meeting of the election of the Pradhan. The said Election Officer, without obtaining votes of the members who were present, unilaterally declared Archana Barui Maity as the Pradhan of the Gram Panchayat. A complaint was lodged before the Block Development Officer, Namkhana Block on August 9, 2023 but the same is alleged to be kept pending.

It appears from the cause title of the writ petition that neither the elected Pradhan nor all the members of the Gram Panchayat have been impleaded as party respondents in the instant writ petition. In the absence

of all the parties, the Court will not be in a position to adjudicate the issue.

As it appears that an objection was filed before the Block Development Officer on the day of the election which is alleged to be kept pending, accordingly, the instant writ petition is disposed of by directing the Block Development Officer, Namkhana Block to consider and dispose of the representation filed on August 9, 2023 in accordance with law after giving reasonable opportunity of hearing to all the necessary parties.

If it appears that the allegation put forth in the representation filed on August 9, 2023 is proper, then necessary remedial steps shall be taken by the Block Development Officer.

A decision shall be taken in the matter at the earliest but positively within a period of four weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the representation dated August 9, 2023 along with other supporting documents to the Block Development Officer at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

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(Amrita Sinha, J.)