

20.05.2025
Sl. No.37(DL)
Ct. No.39
srm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 1397 of 2024

Maniruddin Khan

Versus

The State of West Bengal & Ors.

Mr. Aritra Roychowdhury,
Mr. Shibashis Chatterjee

...for the Petitioner.

Mr. Deb Narayan Banerjee,
Md. Ahasanuzzaman

...for the State-respondents.

Affidavit of service filed on behalf of the petitioner
is taken on record.

Report filed by the State is also taken on record.

This writ petition is filed for cancelling and/or
quashing and/or setting aside of the order dated 30th
November, 2023 passed by the respondent No.6, Block
Development Officer, Murshidabad-Jiaganj Block.

The petitioner contends that the petitioner
participated in the public auction conducted by the
Murshidabad-Jiaganj *Panchayat Samiti* in respect of
Hulaspur *Ferry Ghat* and he was declared as the
successful bidder. However, the acceptance of the bid
of the petitioner was challenged by the other
participants and pursuant to order dated 13th July,
2022 passed in WPA 12116 of 2022 one Manilal Khan
was declared as the successful bidder. In the meantime
during such period, the petitioner incurred some

expenses and the petitioner filed a review petition before the Hon'ble Court being RVW 179 of 2022 wherein the Hon'ble Court disposed of the review petition as follows:

"It appears that the petitioner is yet to raise any demand before the Block Development Officer seeking compensation on account of the losses suffered by him. It will be open for the review applicant to file appropriate representation before the Block Development Officer along with all records in support of his claim of suffering huge losses. In the event such representation is filed, the same shall be considered by the Block Development Officer in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties and by passing a reasoned order within a period of eight weeks from the date of receipt of the representation. A reasoned order shall be passed and communicated to all the parties."

Pursuant thereto, the prayer of the petitioner seeking compensation was considered by the respondent No.6, Block Development Officer, Murshidabad-Jiaganj Block on 30th November, 2023 and the same was disallowed. Hence, this writ petition.

Mr. Aritra Roychowdhury, learned Advocate appearing on behalf of the petitioner submits that the decision has been taken by the respondent No.6, Block Development Officer, Murshidabad-Jiaganj Block on the basis of sub-rule (1) of Rule 3 of the West Bengal *Panchayat* (Powers, Functions and Duties of the Executive Officer and the Secretary of the *Panchayat Samiti*) Rules, 1979, which stood repealed after coming into force of the West Bengal *Panchayat* (*Panchayat Samiti* Administration) Rules, 2008. Hence, the impugned order of the respondent No.6 dated 30th November, 2023 is bad in law and should be set aside.

Learned Advocate for the State submits that in the event the order has been passed under a repealed provision, the same should be relegated to respondent No.6, Block Development Officer for fresh consideration under the new Rules.

It is found that the West Bengal *Panchayat* (*Panchayat Samiti* Administration) Rules, 2008 has come into force on and from 25th November, 2008.

Rule 99 of the Rules of 2008 provides as follows:

“99. Repeal and Savings. – (1) *On the coming into force of these rules, the West Bengal Panchayat (Powers, Functions and Duties of the Executive Officer and the Secretary of the Panchayat Samiti) Rules, 1979, the West Bengal Panchayat (Panchayat Samiti Administration) Rules, 1984 and the provisions of the West Bengal Zilla Parishads (Election, Constitution and Administration) Rules, 1964 in so far as they relate to the Anchalik Parishad or the Panchayat Samiti, shall stand repealed:*

Provided that such repeal shall not affect the previous operation of the said rules in respect of things done or omitted to be done thereunder before such repeal takes effect.”

Bearing in mind the above provisions, on the date the impugned order was passed by the respondent No.6, i.e. on 30th November, 2023, the West Bengal *Panchayat* (Powers, Functions and Duties of the Executive Officer and the Secretary of the *Panchayat Samiti*) Rules, 1979 stood repealed. In view of the above, the impugned order dated 30th November, 2023 is set aside.

The respondent No.6, the Block Development Officer, Murshidabad-Jiaganj Block is directed to consider the representation of the petitioner afresh in terms of the order of this Court dated 14th September, 2023 passed in in RVW 179 of 2022 within a period of

six weeks from date of communication of this order and dispose of the same by a reasoned order in accordance with law.

Learned advocate for the petitioner is directed to communicate this order to respondent no.6, Block Development Officer, Murshidabad-Jiaganj Block.

With the aforesaid directions, the writ petition being **WPA 1397 of 2024** is disposed of.

Interim order, if any, stands vacated.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)