

GAHC010008632015



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/766/2015

IDRIS ALI
S/O LT. JAHA MANDAL, R/O VILL. and P.O. KADAMTALA, P.S.
ALOPATICCHAR, DIST- BARPETA, ASSAM, FAMILY ID NO.42878, SCORE
NO.14, PIN-781308

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM,
PANCHAYAT and RURAL DEVL. DEPTT., DISPUR, GHY-6

2:THE DIRECTOR
PANCHAYAT AND RURAL DEVEL. DEPTT.
ASSAM
PANJABARI ROAD
JURIPAR
GHY-37

3:THE DY. COMMISSIONER
BARPETA
P.S. and DIST- BARPETA
ASSAM

4:THE PROJECT DIRECTOR
DRDA
BARPETA
P.S. and DIST- BARPETA
ASSAM

5:THE BLOCK DEVEL. OFFICER
MANDIA DEVEL. BLOCK
MANDIA

P.S. BAGHBAR
DIST- BARPETA
ASSAM
PIN-781308

6:THE SECY. OF 65 NO. KADAMTALA GAON PANCHAYAT
HAVING ITS OFFICE AT VILL. KADAMTALA
P.O. KADAMTALA
P.S. ALOPATICHAR
MOUZA- BAGHBAR
DIST- BARPETA
ASSAM
PIN-781308

7:THE PRESIDENT OF 65 NO. KADAMTALA GAON PANCHAYAT
HAVING ITS OFFICE AT VILL. KADAMTALA
P.O. KADAMTALA
P.S. ALOPATICHAR
MOUZA- BAGHBAR
DIST- BARPETA
ASSAM
PIN-781308

8:JAKIR HUSSAIN
C/O BLOCK DEVELOPMENT OFFICER
MANDIA DEV. BLOCK
P.S. BAGHBAR
DIST BARPETA
ASSAM
PIN-78130

For the petitioner (s) : Mr. S. Islam, Advocate

For the respondent (s) : Mr. S. Dutta, Advocate
Mrs. U. Das, Addl. Sr. Govt. Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

09.02.2024

The instant writ petition has been filed by the petitioner who is a BPL card holder seeking a direction upon the respondent authorities that

the petitioner be granted the benefit of IAY house under the Scheme earmarked for the BPL category family.

2. Pursuant to the filing of the writ petition, an affidavit-in-opposition has been filed by the respondent No.5, i.e. the Block Development Officer, Mandia Development Block stating inter-alia that name of the petitioner was selected in the Action Plan IAY (State Share) for the year 2010-11. As per Government guideline, the fund meant for construction of his IAY house amounting to Rs. 48,500/- was released through A/C payee cheque to the jointly operated account of Md. Zakir Hussain, JE and the petitioner maintained at United Bank of India, Thakurbazar Branch against A/c No. 220453 and it is known that the released fund amount to Rs. 48,500/- was already withdrawn by the concerned Junior Engineer and the beneficiary.

3. The learned counsel appearing on behalf of the petitioner submitted that the said amount was never received by the petitioner and this aspect of the matter that some fund was released only came into light after the affidavit filed by the respondent No.5. Under such circumstances, it is the submission of the learned counsel appearing on behalf of the petitioner that the petitioner had not received any benefit though the petitioner is entitled to as per the Scheme.

4. This Court having taken note of the submission as well as also the pleadings is of the opinion that if the petitioner has not got any benefit till date of the IAY house under the Scheme earmarked for the BPL category family then in that case, the petitioner's case has to be duly considered for the grant of such benefit. This would however require enquiry to be conducted by the concerned authorities.

5. Mr. S. Dutta, the learned counsel appearing on behalf of the P&RD Department submits that such enquiry be conducted by the Project Director, DRDA.

6. Accordingly, this Court therefore directs that the Project Director, DRDA to conduct an enquiry as to whether the petitioner has received any benefit under the IAY Scheme and upon conducting such enquiry if it is found that the petitioner has not received any benefit, then in that case, the respondent authorities, more particularly the respondent Nos.1, 2, 3 & 5 shall take fresh steps so that the petitioner is granted the benefit in terms with the presently going Scheme, i.e. PMAY.

7. The said exercise be completed within a period of 3 (three) months from the date a certified copy of the instant order is furnished to the respondent No.4.

8. This Court however observes that if the petitioner is aggrieved by any determination, the petitioner is granted the liberty to approach this Court.

JUDGE

Comparing Assistant