

22.07.2026
Item No. 68
Ct. No. 14
AN

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

WPA 27018 of 2024

**Daulat Sekh
vs.
State of West Bengal & ors.**

Ms. Juin Dutta Chakraborty
Mr. Bidan Modak

... for the petitioner

Ms. Ashima Roy Chowdhury
Ms. Debosmita Ganguly

... for the State

1. By the present writ petition, the petitioner seeks direction upon the respondent authorities to consider the representation dated 27th September, 2024 (annexure P-6).
2. The petitioner contends that the petitioner participated in the tender notice E-nit No. WBBIR/MPS/e-NIT/06/2027-18 under Serial No. 02, for the purpose of construction of pucca road from the house of Indra Mistri to Village Muralpur, Mouza Bhagabundh Kapista of Md. Bazar Police Station under PUP and Work Order No. 198 dated 12.03.2018 was issued in his favour. Accordingly, the petitioner completed the work as allotted and a completion certificate dated 11th February, 2021 was issued to the petitioner. The net bill amount was Rs. 42,04,161/-. Since the said amount was not disbursed in favour of the petitioner, the

petitioner filed a writ petition being WPA 6483 of 2023 for release of such amount.

3. The said writ petition was disposed of on 17th April, 2023 with the following directions:

“The writ petition is disposed of directing the District Magistrate, Birbhum to treat the writ petition as a representation and dispose of the same in accordance with law. A reasoned order shall be passed and communicated to the petitioner. The petitioner and the Executive Officer of the Md. Bazar Panchayat Samiti shall be heard. If it is found that the grievance of the petitioner is legitimate and the petitioner is found to be entitled to the payment, necessary steps shall be directed to be taken by the panchayat samiti. If it is found that the panchayat authorities have wrongly utilized the funds sanctioned for the work completed by the petitioner, it shall be the responsibility of the samiti to arrange for payment. The panchayat samiti could not divert 3 the funds sanctioned for the said scheme to some other project.

The District Magistrate’s order will clearly indicate who shall be responsible for the payment and the time frame within which such payment shall be made.”

4. Pursuant to the order of this Court, the District Magistrate, Birbhum passed order and thereafter an amount of Rs. 14,14,341/- was disbursed in favour of the petitioner. However, the balance amount of Rs. 23,69,404/- has not yet been disbursed in favour of the petitioner. The petitioner made representation on 27th September, 2024 through his authorized agent before the Executive Officer & Block Development Officer, Md. Bazar Panchayat Samity, respondent no. 3 herein, for disbursement of the said amount. However, no steps have yet been taken. Hence, this writ petition.
5. On 18th August, 2025, the writ petition was disposed of directing respondent no.3, Executive Officer & Block Development Officer, Md. Bazar Panchayat Samity to consider and dispose of the

representation of the petitioner made through his authorized agent dated 27th September, 2024. Subsequent thereto, it was brought to the notice of the Court by the then learned Additional Government Pleader that an order has been passed in an appeal being MAT 2314 of 2024 observing that since the writ petition is yet to be finally decided all points raised by the parties are kept open, including the issue as to the requirement, if there be any, of filing criminal complaints against the writ petitioner.

6. As the said aspect was not examined at the time of the disposal of the writ petition, the order dated 18th August, 2025 was recalled vide order dated 28th August, 2025 and reports were called for from the State authorities.
7. Pursuant thereto, the Executive Officer & Block Development Officer, Md. Bazar Panchayat Samity submitted its report dated 12th September, 2025 and stated that a show cause notice was issued to the petitioner which was sent to the Inspector-in-Charge, Md. Bazar Police Station for necessary action. However, since no other information regarding initiation of criminal case, if any, against the petitioner was placed by the State authorities before this Court, a further report was called for.
8. The State respondents have filed its report through the Block Development Officer, Md. Bazar Development Block, Patelnagar (TS), Birbhum dated

21st July, 2026 which is taken on record. Upon perusal of the same, it appears that no particular criminal proceedings have been initiated by the Police authorities.

9. Ms. Juin Dutta Chakraborty, learned advocate appearing for the petitioner submits that in the earlier round of litigation, a direction was issued to the learned District Magistrate to consider the representation of the petitioner and the learned District Magistrate upon consideration of the entire aspect, passed a reasoned order directing the Executive officer to disburse the amount in favour of the petitioner. Due to paucity of fund, a part of such outstanding amount was disbursed and the rest has not been disbursed as yet despite a representation been made. She seeks specific direction be issued upon the concerned District Magistrate to take steps for disbursement of the balance amount in favour of the petitioner.
10. Ms. Ashima Roy Chowdhury, learned advocate representing the State submits that till date no such criminal proceedings have been initiated against the petitioner.
11. Admittedly, upon a direction issued in the earlier round of litigation being WPA 6483 of 2023, the District Magistrate, Birbhum passed an order wherein it is observed that the fund for the same had already been sub allotted in favour of the Executive Officer, Md. Bazar Panchayat Samity vide

its office Memo No. 282(19)/V-3/PUP/Dev. dated 26th March, 2018 and he had submitted the Project Completion Report of PUP for the year 2017-18, but the agency for this scheme did not get his claim till now. The department cannot allot fund for the said scheme twice. Be that as it may, it directed the Executive Officer to make payment immediately in compliance with the order of the Hon'ble Court passed on 17th April, 2023.

12. Indisputably, certain portions of the outstanding amount to the tune to Rs. 14,14,341/- has already been disbursed in favour of the petitioner after deduction of the GST. The materials placed before this Court also show that there is no criminal proceedings initiated against the petitioner.
13. In the above conspectus, liberty is granted to the petitioner to submit a comprehensive representation before respondent no. 2, the District Magistrate, Birbhum within a period of three weeks from date. Upon submission of such representation within such period, respondent no. 2, the District Magistrate, Birbhum shall consider and dispose of such representation of the petitioner taking into account of its earlier order dated 4th September, 2023 upon giving notice to the petitioner and on hearing, shall pass a reasoned order in accordance with law, within a period of four weeks from the date of submission of such representation.

14. The reasoned order shall be communicated to the petitioner within a week thereof.
15. Learned advocate appearing for the petitioner is directed to communicate this order to respondent no. 2, the District Magistrate, Birbhum for necessary compliance.
16. With the aforesaid direction, the writ petition being **WPA 27018 of 2024** stands disposed of.
17. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
18. Consequently, connected applications, if any, also stand dismissed.
19. Interim orders, if any, stand vacated.
20. There will be no order as to costs.
21. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)