

02/12/2020
Item No.9 SL
AB/S DE

Through Video Conference

W.P.A. 9599 of 2020

**Mithun Seikh
-Vs-
The State of West Bengal & Ors.**

Mr. Samrat Sen, Ld. Sr. Advocate,
Ms. Sutapa Sanyal
...for the State.

Nobody applied for link on behalf of the petitioner. However, this, being a Public Interest Litigation, we have looked into the materials available before us. We have also heard Mr. Sen, learned Senior Advocate appearing for the State.

The allegation of the petitioner is that one M. C. Ghosh & Associate, being the 13th respondent was appointed to do certain work for Kandi Municipality for implementation of the Green City Mission. However, according to the petitioner, the 13th respondent did work of very inferior quality using low quality materials and has also siphoned off public funds in collusion with the then Chairman of the municipality.

Learned Counsel for the State points out that by a letter dated 22nd August, 2018, the Chairman of Kandi Municipality has cancelled the Work Order that was issued in favour of the 13th respondent. However, the allegation of the petitioner is that even after such

cancellation, the 13th respondent is carrying on the work using low quality materials and thereby misappropriating public money with the indulgence of the erstwhile Chairman and Administrator of the said municipality.

We notice that a representation dated 19th October, 2020 had been made by the petitioner addressed to, amongst others, the Principal Secretary, Department of Urban Development and Municipal Affairs, Government of West Bengal being the first respondent. We direct the Principal Secretary, Department of Urban Development and Municipal Affairs to look into the matter in the light of the allegations made in the writ petition, conduct appropriate enquiry, if necessary, by calling for reports from other officers in the State Administration including the District Magistrate of Murshidabad and take a reasoned decision in the matter in accordance with law.

Needless to say that before taking final decision, the first respondent shall give opportunity of hearing to any person, who may be affected by its decision.

Let the entire exercise be completed within a period of three months from the date of receipt of a copy of this order and a copy of the writ petition by the first respondent.

We make it clear that we have not gone into the merits of the case. It will be for the first respondent to take an informed decision in accordance with law.

Since no affidavits have been called for or considered, the allegations contained in the writ petition shall be deemed not to be admitted by the respondents.

WPA 9599 of 2020 is, accordingly, disposed of.

(Thottathil B. Radhakrishnan, C.J.)

(Arijit Banerjee, J.)