

03.08.2021
Court No.19
Item No. 31
SB

WPA 11321 of 2021

(via Video Conference)

BIPLAB SARKAR & ORS.

Vs.

THE STATE OF WEST BENGAL & ORS.

Mr. Gora Chand Samanta
Mr. Gazi Faruque Hossain For the Petitioners

Mr. Tapas Kumar Mondal ... For South 24 Parganas Zilla
Parishad

Sk. Md. Galib
Mr. Subhra Nag ... for the State

Petitioners claim to be persons living below the poverty line. The petitioners seek a mandamus directing the District Magistrate and / or the other authorities of the State Government to grant the benefit under "Banglar Abas Yojana" to them on the ground that they have lost their houses during the cyclone Amphan. It is submitted that persons living below the poverty line, were entitled to such housing benefits from the government under the scheme. Reliance is placed on a note written by the Pradhan Nandakumarpur Gram Panchayat. It is submitted by the petitioners that once the Pradhans of their locality recognized them as persons living below the poverty line, there was no doubt with regard to their eligibility under the "Banglar Abas Yojana". The petitioners pray that the District Magistrate may be directed to consider their case in terms of the recommendations of the Pradhan.

Mr. Galib, learned advocate for the State respondents submits a report prepared by the Block Development Officer, Mathurapur-II. Block, South 24 Parganas from which it appears that the house building schemes or rural housing programmes started with the "Indira Awaas Yojana" in January 1996 to address the housing needs of rural areas. Due to some discrepancies and complaints and lack of supervision, Pradhan Mantri Awaas Yojana – Gramin (PMAY-G) was introduced with effect from April 1, 2016 and the said scheme came to be known as "Banglar Abas Yojana" in West Bengal. According to the report, the permanent wait list was prepared way back in 2016. No change or alteration was permissible. Thereafter, some effort was made by the government to find out the households / persons who were left out of the list. Another list of such left out persons was prepared upon enquiry and survey sometime in 2018 / 2019. Such list was termed as Awaas plus data base. Thus, the report filed by the Block Development Officer clarifies the position that the petitioners cannot be included in "Banglar Abas Yojana" scheme. However, there are compensations and benefits given to Amphan victims like the petitioners by the government. The petitioners are at liberty to approach the District Magistrate for house building allowance or any compensation that have been given to Amphan affected victims, if not already done. If such applications have not been considered earlier, the District Magistrate shall dispose of the same in accordance with the criteria prescribed and pass a reasoned order in accordance with law and

communicate the same to the petitioners. The entire exercise shall be completed within a period of three months from the date of receipt of the representation.

With the aforesaid observation, the writ petition is accordingly disposed of.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)