

23.09.2021
Sl. No.22
srm

W.P.A. No. 12713 of 2021
Nurbakta Piyada & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Tapas Kumar Manna,
Mr. Pankaj Halder

...for the Petitioners.

Mr. Jahar Lal De,
Mr. Biswabrata Basu Mallick

..for the State-Respondents.

The petitioners are 27 enlisted beneficiaries under the Pradhan Mantri Awaas Yojana who were found suitable by the competent authority of the State Government and the Central Government for allocation of fund for construction of their dwelling house under the PMAY-G scheme known as Banglar Aayas Jyोजना in West Bengal.

All the petitioners are under Mathurapur-I Block. It is submitted that Abad Bhagabanpur Gram Panchayat passed an illegal order cancelling the names of the petitioners from the alleged list of beneficiaries. It is contended that Gram Panchayat does not have any authority to decide on the question of eligibility. Once the petitioners were enlisted as beneficiaries in the list prepared by the Central Government and State Government agents, only the Gram Sabha could pass necessary orders upon verifying the eligibility of the persons

who have been enlisted by the Central Government and the State Government agents. Allegations of corruption, extortion, etc. have been made against the Pradhan.

Records reveal that the petitioners have already approached the Block Development Officer, Mathurapur-I Block, South 24-Parganas and also the District Magistrate by a representation dated July 30, 2021, which is at pages 98 and 99 to the writ petition.

The writ petition is disposed of with the following directions:-

a) The District Magistrate, South 24-Parganas shall dispose of the representation of the petitioners dated July 30, 2021 upon giving an opportunity of hearing to one representative of the petitioners, who shall file the documents before the said authority in respect of all the petitioners in separate files.

b) The District Magistrate upon hearing the said representative as also the Panchayat authorities and a representative from the office of the Block Development Officer, Mathurapur-I, shall pass a reasoned order upon making an enquiry into the correctness of the allegations of the petitioners.

c) A reasoned order shall be passed and communicated to the representative of the petitioners, and the other authorities.

d) The reasoned order shall be handed over to the petitioners on a particular date and time fixed by the District Magistrate from his office after conclusion of the hearing.

e) All the documents in support of the contentions of the petitioners shall be filed before the District Magistrate which shall be considered in accordance with law.

f) The entire exercise shall be completed within a period of 40 days from the date of communication of this order. Any action taken in the meantime shall abide by the final decision of the District Magistrate.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)