

Item No.117

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

04.03.2021
Ct-24

W.P.A. 10683 of 2020
Merina Bibi
v
The State of West Bengal & Ors.

Ms. Saibal Acharya
Ms. Susmita Chatterjee
... for the petitioner.

Mr. Baidurya Ghosal
Ms. Trishita Bera
... for the respondent no. 7.

The petitioner prays for payment of the bills raised for the purpose of construction of Krishi Pratikkhaloy in front of Merina Bibi Garden.

Interestingly Merina Bibi is the petitioner and she claims that the work order was issued in her favour by the Dahapara Gram Panchayat. A copy of the work order has been annexed at page 11 of the writ petition.

The petitioner made representation before the Pradhan of the Dahapara Gram Panchayat by a letter dated July 8, 2020.

The learned advocate appearing on behalf of the Dahapara Gram Panchayat submits, upon instruction, that an objection has been raised with regard to the

payment of the bills as the work was done in the private land of the petitioner.

It has been submitted that since 2018 the petitioner did not raise the bills and she has filed a representation only in July 2020.

The panchayat authority disputes the bills as well as the work performed by the petitioner. The respondent relies upon an unreported order dated August 13, 2019 passed by a Division Bench of this Court in CAN 12302 of 2014 in M.A.T. 1599 of 2014 (Sanjoy Mondal v. The State of West Bengal & Ors.) wherein the Court was of the opinion that where there are disputed question of facts the writ petition ought not to be entertained. The writ Court cannot decide the contractual issues in between the parties.

After hearing the submissions made on behalf of the parties it is clear that the respondents are disputing the claims raised by the petitioner. The same cannot be adjudicated by this Court under Article 226 of the Constitution of India and accordingly the writ petition fails and is hereby dismissed.

The petitioner will be at liberty to approach the appropriate forum for redressal of her grievances, if so advised.

WPA 10683 of 2020 stands dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(**Amrita Sinha, J.**)