

Item No.118

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

04.03.2021  
Ct-24

W.P.A. 10684 of 2020  
Rahaman Construction  
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 seeks payment in respect of the work done pursuant to the work order issued by the Dahapara Gram Panchayat in March 2018 for construction of concrete road from Mahibul Sk's house to towards Merina Bibi's land (Khoshbagh Joytsujan).

The petitioner submits that the bills raised on completion of the said work order have not been paid till date. The petitioner made representation before the Pradhan of the Dahapara Gram Panchayat on July 8, 2020.

The learned advocate appearing on behalf of the Panchayat disputes the claim of the petitioner. It has

been submitted that the work has been done in the private land.

The learned advocate appearing for the respondent no. 7 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 grievances, if so advised.

WPA 10684 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.**)