

08.03.2022
Item No.5
srm

W.P.A. No. 70 of 2022
Firoja Bibi Purkait & Ors.
Versus
The State of West Bengal & Ors.

Mr. Pankaj Halder,
Mr. Tapas Manna

...for the Petitioners.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

...for the State-respondents.

The petitioners challenge the inaction on the part of the State-respondents in extending the benefits as per the policy, although their houses were damaged by the cyclone 'Amphan'.

A report had been filed, from which it appeared that each of the petitioners were paid Rs.5,000/- as their houses were found to be partially damaged. The petitioner sought time to consider the report and the matter was made returnable, today.

The State-respondents had made the payments, in terms of a memorandum issued by the Special Secretary, Government of West Bengal, Department of Disaster Management & Civil Defence (Disaster Management Wing) vide Memo No.1141-DMCD-11011/1/2020-DM SEC-Dept. of

DMCD dated June 25, 2020. The memo stated that Rs.20,000/- per house would be granted as compensation in case the houses were fully damaged and Rs.5,000/- would be paid per house in case of partial damage. The Block Development Officer is the authority to assess the eligibility of the persons and the nature of damage. The amounts have been credited to the bank accounts of the petitioners.

The petitioners rely on a report of the Block Development Officer, Mathurapur-I Development Block. The contention of the petitioners is that as the quantum of damage approximately estimated was Rs.22,000/-, the petitioners are entitled to get the said amount as compensation.

The memorandum, which is the policy of the Government, clearly states that Rs.20,000/- per house would be paid as compensation in case of houses which were fully damaged, and Rs.5,000/- for those houses which were partially damaged. In the report of the Block Development Officer, it has been clearly stated that the houses of the petitioners were partially damaged. The contention of the petitioners that the estimate of the damage suffered by the petitioners being Rs.22,000/-, the same amount should be paid, cannot be accepted in view of the policy of the government. The Memorandum dated June 25, 2020 clearly

provides that the persons whose houses were fully damaged would be paid Rs.20,000/- and the persons whose houses were partially damaged would be paid Rs.5,000/-.

As per the report of the Block Development Officer, the damage suffered by the petitioners were partial and as such, I do not find any illegality in the award of compensation of Rs.5,000/- to the petitioners. Whatever may be the damage suffered by the petitioners, as quantified by the Block Development Officer, the petitioners are to get the benefit/compensation only under the policy and the respondents have acted in accordance with the policy adopted in this regard. Other disputed questions of facts cannot be gone into.

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.)