

5 05.05.2022

gd/ssd

MAT/458/2022
IA NO: CAN/1/2022
SRI KINGSHUK MONDAL
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Saptangshu Basu,
Mr. Amitava Mukherjee,
Ms. Arpita Saha,
Ms. Ankita Ghosh

..for the Appellant

Mr. Subhabrata Dutta,
Mr Sayan Ganguly

..for the State

By this appeal the writ petitioner has challenged the order of the learned Single Judge dated 4th March, 2022 whereby WPA 15075 of 2021 has been disposed of by the learned Single Judge finding no inaction on the part of the respondents and permitting the appellant to pursue civil remedy before the Civil Court.

The appellant had approached the writ court with the plea that he had made supplies of food, construction and medical equipment etc. in pursuance to the work order issued by the respondent no.4 i.e. Superintendent of Katwa Sub-Divisional Hospital and a sum of Rs.25,29,618/- was due and payable which was not paid in spite of the repeated requests, therefore, a legal notice was sent and thereafter the writ petition was filed.

Learned Single Judge taking note of the stand of

the State has dismissed the petition.

The submission of learned counsel for the appellant is that no affidavits were called by the learned Single Judge and the issue has not been examined on merit.

It is not disputed before this Court that the appellant is entitled to the payment of undisputed amount.

Learned counsel for State has also agreed that respondent no.4 is ready to examine the issue and make payment of the undisputed amount.

The only prayer in this regard made by learned counsel for the appellant is that in this process the appellant should be given an opportunity to produce all the materials.

Hence, we deem it proper to dispose of the appeal by permitting the appellant to approach the respondent no.4 along with a comprehensive representation enclosing therewith all the relevant documents and on receipt of the same, the respondent no.4 will give an opportunity of hearing to the appellant and will make payment of the undisputed amount to the appellant without any delay. If any disputed amount is found, then the appellant will have remedy to take recourse of law for the same.

Let this exercise be completed by the respondent

no.4 as expeditiously as possible preferably within a period of two months from the date of receipt of representation.

Since no affidavit-in-opposition has been filed, therefore, the allegations are not treated to be admitted by the respondents.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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