

14.01.2022
Court No. 19
Item no.27
CP

WPA 5090 of 2019

Rajiya Bibi Laskar
Vs.
The State of West Bengal & ors.

Mr. Mukteshwar Maity

.....for the petitioner.

The petitioner is aggrieved by a notice dated December 13, 2018, by which the authority of the Kulpi Panchayat Samity intimated the petitioner that for the financial year 2018-19 Rs. 45,000/- was credited to the bank account of the petitioner under the PMAYG Scheme, but the petitioner could not show the utilization of the said amount. Accordingly, the petitioner was directed that unless the amount was put into utilization by starting the work of construction of the house within seven days from receipt of the notice, the authorities would act and proceed in accordance with law against the petitioner.

There is nothing on record to show whether the authorities have at all proceeded on the basis of the said notice. A notice of 2018 alleging lack of proper utilization of the funds allotted under the PMAYG Scheme, cannot be interfered with by this court

unless the petitioner can show *mala fide*. The petitioner has neither pleaded nor been able to demonstrate that the notice was issued without jurisdiction or authority of law and with *mala fide* intension.

It also appears that the petitioner has made some construction upto the window level. However, the petitioner as a beneficiary under the PMAYG Scheme is supposed to act and proceed as per the guidelines and the directions as contained in the scheme. Public money is being allotted to these beneficiaries for a cause and the authority has all the right to ensure that the amounts disbursed are not mis-appropriated or mis-utilized.

This court does not find any reason to interfere with the said notice. If the authorities proceed against the petitioner in accordance with law, the petitioner can raise his defences before the concerned authorities.

The writ petition is, thus, dismissed. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)