

01.03.2022
Court No.13
Item No.18
AP

WPA 5143 of 2020

**Das Enterprise
Vs.
The State of West Bengal and Ors.**

(Through Video Conference)

Mr. D.N. Bose
Mr. Sujit Chowdhury

... For the Petitioner.

Mr. Pantu Deb Roy
Mr. Anand Farmania

... For the State.

Despite service of notice, the answering respondents, Murshidabad Zilla Parishad, are not represented.

State and the District Magistrate, Murshidabad are represented.

Affidavit of service filed in Court today is taken on record.

Learned counsel for the writ petitioner submits that the writ petitioner was awarded a contract for construction of a road under the Murshidabad Zilla Parishad. The petitioner claims that it could not complete the work due to obstruction by local villagers and unfair demands being made by certain quarters.

The matter was discussed and decided upon by the Murshidabad Zilla Parishad in its meeting held on 9th July 2019. It is claimed that the writ petitioner has not received any payment despite clarifications.

The writ petition has been filed on 13th March 2020.

Apart from the delay of about eight months in filing the instant writ petition and two years since thereafter this Court is of the view that there are a large number of disputed questions of fact which cannot be gone into by the writ court.

The writ petitioner may accept whatever payment the Murshidabad Zilla Parishad may make in accordance with law under the aforesaid contract and take up any further grievance against the Murshidabad Zilla Parishad before an appropriate civil forum.

It is expected that the payment to the writ petitioner shall be made, only in terms of the calculation of the Murshidabad Zilla Parishad, within a period of two months from date, if not already made.

The payment by the Murshidabad Zilla Parishad and receipt by the writ petitioner thereof shall be without prejudice to any of the rights and contentions of the parties.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)