

Item No. 114

19.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 9008 of 2022

Sri Tufan Dutta
v.
State of West Bengal & Ors.

Mr. Indrajit Bhattacharya
... for the petitioner.

Mr. Pathik Bondhu Banerjee
... for the respondent nos. 1 & 2.

Mr. Atanu Biswas
... for the respondent nos. 5 to 7.

The petitioner submits that the benefit of the Pradhan Mantri Awas Yojana (PMAY)-Housing for All (HFA) (Urban) Scheme has been erroneously allowed in favour of the predecessor-in-interest of the respondent nos. 5 & 6, Basudeb Dutta. The said Basudeb Dutta already had a building in the vicinity of the building that was constructed under the Scheme and as such he was not entitled to get the benefit.

The petitioner made representation before the respondent authorities including the Block Development Officer, Ghatal and the District Magistrate, Paschim Medinipur and alleges that the same has not been taken up for consideration till date.

Learned advocate representing the private respondents submits that the petitioner, out of grudge and vengeance, is filing one after another writ petitions as the petitioner faced a demolition order.

Learned advocate representing the respondent authorities is not ready with instruction.

In view of the aforesaid submissions, the instant writ petition is disposed of by directing the Block Development Officer, Ghatal, Paschim Medinipur being the respondent no. 3 herein to consider the prayer of the petitioner only with regard to the extension of the benefit under the PMAY Scheme in favour of the predecessor-in-interest of the respondent nos. 5 & 6.

The aforesaid respondent shall not deal with any other allegation made by the petitioner.

A decision shall be taken by the aforesaid respondent upon giving proper opportunity of hearing to the petitioner as well as the respondent nos. 5 & 6. The parties will be at liberty to rely upon all documents in support of their case.

Decision shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of a copy of this order.

A reasoned order shall be passed by the Block Development Officer and communicated to the parties immediately thereafter.

Learned advocate of the petitioner is directed to forward a copy of the representation dated April 11, 2022 to the respondent no. 3 at the time of communicating the order of this Court.

The writ petition stands disposed of.

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.)