

06.09.2022
Sl. No.32
srm

W.P.A. No. 12072 of 2021
Smt. Mitali Pathak & Anr.
Vs.
The State of West Bengal & ors.

Mr. Sanjib Das
.....for the Petitioners.

Ms. Chaitali Bhattacharya,
Ms. Sanjukta Samanta
.....for the State-respondents.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondent Nos.5, 6 and 7.

The petitioners claim to be the heirs of one Ashoke Kumar Pathak an alleged beneficiary of the PMAY scheme. They pray for disbursement of the money. The petitioners rely on a communication made by the Pradhan of Shanrpur-Lowada Gram Panchayat, District-Paschim Medinipur dated January 8, 2021 addressed to the Block Development Officer through the Anchal Pradhan, indicating that Alok was wrongly included in the list, in place of Ashoke.

Surprisingly, the Pradhan sent the letter to the Block Development Officer through the Anchal Pradhan. It also

appears that some portion of the letter has been erased. There are chances of interpolation and fabrication, which require a deeper probe. The petitioners claim that the name of Ashok Kumar Pathak was wrongly included in the list as Alok Pathak and the petitioners pray that such correction be made and the petitioners be granted the instalments, as per the PMAY scheme. It also appears that during the lifetime of the said Ashok Kumar Pathak, the Pradhan issued an heir ship certificate on July 23, 2021 in the name of the petitioners and one Pritikana Pathak. The said Pritikana Pathak has not been impleaded in the proceeding. Neither has Ashok Kumar Pathak, through whom the petitioners allegedly claim, applied for the instalments in place of his brother Alok Pathak nor has he challenged the list of beneficiaries. The petitioners do not have any locus.

Thus, this Court finds that the entire issue smacks of irregularities. The District Magistrate, Paschim Medinipur is directed to make an enquiry into the matter especially into the alleged communications made by the Pradhan of the concerned gram panchayat, which form part of the writ petition, and further detect how the Pradhan could have issued an heir ship certificate when Ashok Kumar Pathak is still alive.

A copy of the writ petition be served upon the District Magistrate, Paschim Medinipur along with a copy of this order, for necessary enquiry and action.

This order shall not be construed as an interference of the Court on the list of beneficiaries, which have already been prepared. No order against the respondent No.7 is passed.

It is made clear that the entire exercise shall be completed within a period of four months from the date of communication of this order and the petitioners as also the Block Development Officer, Debra and the Pradhan of the Shanrpur-Lowada Gram Panchayat, shall be heard.

It is also made clear that the District Magistrate shall ensure that the money should not go into the wrong hands. He is requested to take remedial measures and also fix the responsibility.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)