

08.09.2022
Court No. 19
Item no.20
CP

W.P.A. No. 13811 of 2021

Sk. Safi alias Saphi Sek

Vs.

The State of West Bengal & Ors.

Sk. Mustak Ali

...for the petitioner.

Sk. Md. Galib

Mr. Subhra Nag

....for the State.

Mr. Uttam Kr. Bhattacharya

...for the respondent no.7.

The petitioner has challenged an order passed by the Block Development Officer dated January 22, 2020. According to the petitioner, the rejection of the prayer of the petitioner for inclusion of his name in the permanent waitlist of eligible beneficiaries for getting housing grant under the PMAY (G), was illegal. Allegation of political vendetta has been made.

The petitioner contends that his voter card, ration card and aadhar card would indicate that he is a resident within the jurisdiction of Nandapur Baraghuni No. 10 Gram Panchayat and just because he was temporarily residing at his in laws place, his permanent place of residence would not automatically be altered.

According to the petitioner, his name had appeared in the first list, but thereafter deleted from

the final list only on the ground that at a particular point of time, the petitioner was residing elsewhere. The petitioner contends that there is no doubt with regard to the fact that the permanent residence of the petitioner was within the concerned gram panchayat.

It has been stated in the said order that the prayer for inclusion of the name of the petitioner in the permanent waitlist of eligible beneficiaries under the PMAY (G) Scheme, could not be allowed as the waitlist had already been finalized. The scheme of housing for all, even for the rural poor provides a mechanism for redressal of grievances of such persons.

According to Mr. Galib, learned senior Government Advocate, the petitioner is at liberty to approach the appropriate authority under the said scheme for redressal of his grievances. The petitioner may also avail of the portal which has been provided under the said scheme.

Under such circumstances, the writ petition is disposed of with liberty to the petitioner to approach the District Magistrate with his allegations. If such approach is made, the same shall be considered as a grievance by the competent authority, as per the provisions of the scheme and if such grievance redressal forum is not available, then the District Magistrate himself, upon hearing the petitioner and

upon causing a local enquiry and inspection, decide the issue. Such inspection shall be held in the presence of the petitioner and the authorities of the concerned gram panchayat, and other persons whose presence may reveal the correct state of affairs.

A reasoned order shall be passed upon hearing all concerned and communicated to the petitioner. Steps shall be taken in accordance with the finding of the authority.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

As affidavits have not been called for, the allegations against the respondents are deemed to have been denied.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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

(Shampa Sarkar, J.)