

22.9.2022
Sl.No.33/sn

WPA 14397 of 2022

Nuruddin Fakir
Vs.
The State of West Bengal & Ors.

Mr. Sufi Kamal
Ms. S. Hossain ..for the petitioner

Mr. Malay Singh
Ms. Neelam Singh ..for the State

Mr. Debasish Kundu ..for the respdts.7&8

The petitioner is directed to approach the District Magistrate, South 24 Parganas with his prayer for refund of the money which had been deposited with the Sreepur Gram Panchayat pursuant at an auction held by the said gram panchayat.

The petitioner was the successful bidder. It is submitted that the panchayat authorities must refund Rs.78,400/- to the petitioner as the petitioner was not able to retrieve the branches and the damaged trees as per the contract, due to an order of the learned National Green Tribunal.

Learned advocate for the panchayat authorities submits that the petitioner's claim for refund has been referred to the District Magistrate, South 24 Parganas, for necessary instructions as to the head under which such refund would be made. It is submitted that the District Magistrate is yet to issue necessary instructions in this regard. However,

the learned Advocate denies the quantum of money claimed by the petitioner.

It is an admitted fact that the petitioner participated at the auction held by the concerned gram panchayat. The petitioner deposited some amount for felling and removing damaged trees and branches. The materials could not be taken by the petitioner in view of the orders passed by the learned Tribunal. Thus, the petitioner had ultimately paid the money without getting any benefits from the auction held.

The District Magistrate, South 24 Parganas is directed to grant a hearing to the petitioner, the panchayat authorities and pass necessary orders in accordance with law.

If the allegations of the petitioner are found to be correct, then necessary orders for refund shall be made. If there are any reasons to withhold the money, the same shall be assigned and communicated to the petitioner. A reasoned and detailed order must be passed in this regard.

The entire exercise shall be completed within a period of eight weeks from the date of receipt of the petitioner's representation.

This writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)