

09.09.2022
Court No. 19
Item no.36 (DL)
CP

W.P.A. No. 15740 of 2021

Nasiruddin Mallick & ors.

Vs.

The State of West Bengal & Ors.

Mrs. Juin Dutta Chakrabarty

....for the petitioner.

Mr. Rajdeep Bhattacharya
Mr. Sanib Sankar Mazumder

...for the respondent no. 6.

Mr. Jahar Lal De
Mr. Benazir Ahmad

...for the State.

The petitioners allege that due to political rivalry between the petitioners and the Pradhan, Daspalsa Gram Panchayat, the petitioners were not getting disbursement of the money under the PMAY(G) Scheme.

It is alleged that although the names of the petitioners had been enlisted in the list of beneficiaries under the PMAY(G) Scheme, the disbursement of the money had been illegally denied. The learned advocate for the petitioners alleges that the Pradhan, Daspalsa Gram Panchayat had tried to prevent the petitioners from getting their dues under the scheme.

The learned advocate for the respondent no. 6 submits that the list of beneficiaries have been prepared and the names of the petitioners are in the list. The same has been forwarded to the Block Development Officer for further consideration.

Learned advocate for the State submits a report prepared by the Block Development Officer, Mayureswar – II Block, inter alia, stating that the petitioner no. 1 was found eligible for the benefit. The petitioner nos. 2, 3 and 4 were not eligible as they already had concrete structures and did not fulfil the eligibility criteria. He also submits that the Block Development Officer had come to such conclusion, after holding an enquiry.

Be that as it may, this court has not gone into the merits of the claims and the counter-claims of the parties.

The petitioners have already approached the Block Development Officer with their allegations of non-disbursement of the instalments. The Block Development Officer, Mayureswar – II Block, has not replied to the petitioners. Aggrieved, the petitioners are before this court. The petitioners apprehend that the disbursement of the instalments had been illegally withheld by the respondents.

This court is of the view that the petitioners must be informed about the fate of their applications,

specially because the names of the petitioners were included in the list of beneficiaries by the concerned gram panchayat.

Without going into merits of the allegations of the petitioners, this writ petition is disposed of with a direction upon the Block Development Officer, Mayureswar – II Block to dispose of the representation of the petitioners in accordance with law. If necessary, an inspection in the presence of the petitioners, the Pradhan of Daspalsa Gram Panchayat shall be made. A reasoned order shall be passed and communicated to all concerned.

The report which has been submitted before the court and is in the nature of an instruction, shall not influence the decision of the Block Development Officer. The report is taken on record.

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

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)