

Sl. No.5
25.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 15994 of 2021

Swapan Kumar Jana & Ors.
versus
Union of India & Ors.

Mr. Anup Dasgupta
... for the Petitioners
Mr. Rajendra Banerjee
... for the respondent no.1
Mr. Sk. Md. Galib
Mr. Gourav Das
... for the State

The petitioners are aggrieved by the act of the respondent authorities in adopting pick and choose method for releasing grant under PMAY Scheme.

According to the petitioners persons who are not entitled to receive benefit under the scheme has been extended benefit and there are persons like the petitioners who be entitled to the fund are being deprived from the same.

A report was called for from the Block Development Officer. The Block Development Officer, Nandigram-I Block has filed a report by mentioning the benefit that was granted in favour of the persons whose names were incorporated in the permanent wait list which was prepared and revised by the Gram Panchayat authority.

The Executive Assistant of the Gram Panchayat had been communicated to supply information regarding status of the petitioners in terms of PMAY. The Pradhan of the Gram Panchayat and the Executive Assistant of the Gram Panchayat has forwarded a report wherefrom it appears that the petitioner no.1 i.e. Swapan Kumar Jana, son of Panchanan Jana is not enrolled in the permanent waitlist and accordingly not entitled to get the PMAY benefit. Panchanan Jana, the petitioner no.2 has been deleted from the wait list as he already has a concrete house. Prabhat Kumar Samanta, the petitioner no.3 has been provided benefit and financial assistance under the PMAY. The petitioner no.4, Swapan Kumar Das has not been enrolled in the permanent waitlist. The petitioner no.5, Bijay Kumar Sahu has been deleted from the waitlist as he received financial assistance under IAY. The petitioner no.6, Paritosh Jana, petitioner nos.7, Dilip Kumar Pani and petitioner no. 8, Salil Jana have been deleted from the list for having concrete house.

The petitioners have annexed a photocopy of the building of one Amalendu Santra, the respondent no.9 in the writ petition and submit that even though he has a palatial building but was considered eligible to receive benefit under the PMAY grant. With regard to said allegations, it has been submitted in the report that,

the person was granted PMAY benefit at a time when he had a mud built house.

The scheme in question i.e. PMAY-Gramin has an in-house grievance redressal mechanism. The grievance redressal mechanism speaks about official to be designated at the level of the administration i.e. Gram Panchayat, Block, District and the State to ensure disposal of the grievances to the satisfaction of the complainant. The complaints are to be disposed of within a period of 15 days from the date of receipt of the complaint.

The complaints may also be lodged on CAPGRAMS portal (pg.portal.doc.in). Complaints that are received in the Ministry of Rural Development through CAPGRAMS or otherwise is to be forwarded to the respective State Government for redressal of the grievances for the purpose of expeditious redressal of the grievances and to uphold the right of the rural poor. States may consider utilizing services of Ombudsman under MGNREGA to dispose of the grievances and reported instance of irregularity under PMAY-G.

The petitioners may avail remedy as provided under the in-house grievance redressal mechanism for redressal of their complaints.

In the event such complaint is lodged, the same shall be considered expeditiously within the time as specified in the scheme itself.

The report filed by the Block Development Officer, Nandigram-I block, be retained with the records.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)