

**WPA(P) 340 of 2022**  
**Anisur Rahaman & Ors.**  
**Vs.**  
**The Union of India & Ors.**

|                         |                                   |
|-------------------------|-----------------------------------|
| Mr. Apuba Ghosh         |                                   |
| Mr. Akashdeep Mukherjee | ... .. for the petitioners        |
| Mr. Brajesh Jha         | ... for the Union of India        |
| Mr. Jahar Lal De        |                                   |
| Mr. Shamim-ul-Bari      | ... .. for the State              |
| Mr. M. Sasmal           | ... for the respondent nos. 7 & 8 |
| Mr. Suman Basu          | ... .. for the respondent no.14   |

The allegation in this petition is in respect of defalcation of funds under MGNREGA scheme while implementing several projects in Masaldah Gram Panchayat of Harishchandrapur-II Development Block of Malda District.

Learned counsel for the petitioners has pointed out that the petitioners had submitted the representation dated 25.05.2022 disclosing the irregularities and defalcation to the respondent no.4, District Magistrate and District Programme Coordinator, Malda and simultaneously a representation was also sent to the Central Government which was forwarded to the Chief Secretary of the State and the office of the Chief Secretary vide communication dated 30<sup>th</sup> May, 2022 had directed the respondent no.4 to cause an immediate enquiry and send action taken report.

From the above, it is clear that the respondent no.4 is required to conduct an enquiry on the grievance raised by the petitioners in the representation.

If the enquiry is still pending, the respondent no.4 is required to hear all the concerned parties and find out if any defalcation as alleged in the implementation of MGNREGA fund has been done.

Let this exercise be completed by the respondent no.4 as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

If the respondent no.4 finds that the defalcation of money in the implementation of various schemes of MGNREGA has been done, then appropriate action in accordance with law will be taken against the erring officer.

The writ petition is accordingly disposed of.

**(Prakash Shrivastava, C.J.)**

**(Rajarshi Bharadwaj, J.)**