

M/L 183
22.11.2022
Court. No. 19
GB

W.P.A. 16772 of 2019

Dilip Mondal
VS
The State of West Bengal & Ors.

*Mr. Partha Sarathi Das,
Md. Hafiz Ali.*

...for the Petitioner.

*Mr. Manas Kundu,
Mr. Debabrata Mondal.*

...for the State.

Admittedly, an enquiry was conducted by the Block Development Officer, Bharatpur-I Development Block on the basis of the complaint lodged by the petitioner. The petitioner was enlisted as a beneficiary under the PMAY scheme. As the money was not disbursed in favour of the petitioner, the petitioner approached the authorities by filing a complaint. The Sub-Divisional Officer, Kandi, Murshidabad directed an enquiry. A copy of the enquiry report and the letter written by the Block Development Officer to the Sub-Divisional Officer has been placed before the Court by the learned advocate for the State respondents.

It appears that by mistake, the money was transferred to another Dilip Mondal, son of Ajit Mondal. The authorities found that the fund had actually been sanctioned in respect of the petitioner, but wrongly transmitted to the other Dilip Mondal. The said Dilip Mondal, son of Ajit Mondal was asked to refund the amount.

The enquiry reveals that the Pradhan of Jajan Gram Panchayat intimated the Block Development Officer that a

mistake had been committed during the disbursement of the funds in view of the similarity in the names.

Under such circumstances, the writ petition is disposed of with a direction upon the Sub-Divisional Officer, Kandi, Murshidabad to make arrangements for release of the funds in favour of the petitioner as the authorities have admitted in the report that the petitioner was entitled to the funds, but he was deprived of the same due to a mistake made by the authorities. Such mistake must be rectified. The petitioner cannot suffer for such action of the authorities. The authorities have found the petitioner to be eligible for disbursement of funds under the PMAY scheme. Let such disbursement be made immediately, if not already made. The first instalment be released within one month from the date of communication of this order. Thereafter, the disbursement shall be made as per the decision of the Sub-Divisional Officer, Kandi, Murshidabad under the special circumstances as stated hereinabove and as per the scheme.

It goes without saying, the petitioner will comply with the other formalities in this regard.

This order is being passed irrespective of whether Dilip Mondal, son of Ajit Mondal had refunded the amount or not. In case the money has been disbursed to the petitioner during the pendency of the writ petition, such intimation shall be sent to the petitioner.

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.)