

22.9.2022
Sl.No.48/sn

WPA 18691 of 2022

Prasanta Kumar Karmakar
Vs.
The State of West Bengal & Ors.

Ms. Juin Dutta Chakraborty
..for the petitioner

Mr. Jahar Dutta
Mr. Bipin Ghosh ..for the State

Mr. Santimay Bhattacharyya
Mr. Ziaul Haque
Mr. Suman Kr. Bhattacharyya
.for the respts.2&4

The petitioner alleges that the Executive Officer of Md. Bazar Panchayat Samity has failed and neglected to disburse the entire amount of Rs.21,77,250/- for the job done pursuant to the work order issued for construction of boundary wall surrounding the Muslim Graveyard used by the minority community, at mouza Tentulberia.

It is submitted that only an amount of Rs.5,22,540/- had been paid. Despite several requests, no order has been issued by the authorities for releasing the remaining payment.

The learned advocate for the State respondents submits that the money was returned to the District Magistrate, Birbhum as the work was beyond the approved action plan.

Learned advocate for the Panchayat Samity submits that pursuant to the completion work and

upon receipt of the bills from the petitioner, the panchayat samity claimed reallocation of the funds from the District Magistrate, Birbhum.

The District Magistrate, Birbhum by a letter dated April 29, 2022 applied to the Secretary Minority Affairs and Madrasah Education Department for re-allotment of the surrendered fund for payment to the petitioner for the construction of the boundary wall around the public graveyard.

It is submitted that the Secretary Minority Affairs and Madrasah Education Department would be the appropriate authority to release the fund. Once such fund is released, the payment shall be made to the petitioner, in accordance with law.

Under such circumstances, the petitioner is at liberty to approach the Secretary Minority Affairs and Madrasah Education Department with necessary documents.

The Secretary of the Minority Affairs and Madrasah Education Department shall hear the learned advocate for the petitioner who shall be entitled to represent the petitioner before the authority. A responsible officer of the Panchayat Samity, and a responsible officer from the office of the District Magistrate shall also be heard. Necessary orders shall be passed and communicated to all.

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

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.)