

19.9.2022
Sl.No.43
sn

WPA 20209 of 2021

Sujata Mondal
Vs.
The State of West Bengal & Ors.

Mr. Samim Ahmed
Mr. Arka Maiti
..for the petitioner
Mr. Malay Singh
Ms. Neelam Singh ..for the State

Despite service, none appears on behalf on behalf of the respondent nos. 9&10. Let the affidavit of service be taken on record. As this Court is not inclined to pass any mandatory directions, but is relegating the matter back to the authorities, this writ petition is disposed of in the absence of the said respondents.

The petitioner submits that the construction made by the respondent nos.9&10 on dag no.130 pertaining to Khatian no.1307, of mouza Chaksukdeb, was in violation of the order of ad-interim injunction passed by the civil court in Title Suit no.947 of 2018 and also in violation of the provisions of PMAY(G) Scheme. According to the petitioner, the exclusion process as per the scheme, had not been undertaken by the authorities before approving the respondents as beneficiaries under the scheme.

The petitioner had approached the Block Development Officer, Bishnupur Block-II with her allegations.

This Court has not gone into the disputed questions of facts either with regard to the title of the parties or with regard to the alleged ineligibility of the respondent nos. 9 & 10 to be beneficiaries under the PMAY(G) Scheme.

This writ petition is disposed of with a direction upon the District Magistrate, South 24 Parganas to treat the writ petition as a representation and to dispose of the same in accordance with law, upon granting an opportunity of hearing to the petitioner and the respondent nos. 9&10.

The allegation of ineligibility of the respondent nos. 9&10 to be beneficiaries under the PMAY(G) Scheme, shall be decided by the authority. If the scheme provides for a specific grievance redressal mechanism, then the matter will be referred to the said forum by the District Magistrate. If there is no forum in place, the District Magistrate shall decide the issue.

All parties shall be heard including the Pradhan, Bakrahat Gram Panchayat as also the concerned Block Development Officer. If the contentions of the petitioner are found to be correct,

then remedial steps shall be taken by the authorities.

The issue with regard to violation of the order of injunction, shall be decided by the civil court. The petitioner may always approach the civil court.

This Court has not gone into the merits of the claims made by the petitioner.

As no affidavit in opposition has been called for, the allegations made in this writ petition are deemed to be denied.

The entire exercise shall be completed within a period of three months from the date of receipt of the complaint of the petitioner.

A copy of the writ petition along with a server copy of this order be served upon the District Magistrate, South 24 Parganas.

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.)