

09.11.2022
Court No. 19
Item no.59
CP

WPA No. 23213 of 2018

Sri Nilkamal Biswas
Vs.
The State of West Bengal & Ors.

Mr. Sarbananda Sanyal

... for the petitioner.

Mr. Bipin Ghosh

...for the State.

It appears that at the relevant point of time when the writ petition was filed, the petitioner was aggrieved because the instalments for construction of a dwelling house under the 'Indira Awas Yojana' had not been released by the authority. Allegation is that on the basis of the complaint filed by the respondent no. 7, such disbursement was stopped.

The petitioner was allegedly enlisted as a beneficiary in 2018 or prior to 2018. He may not have any surviving claim. The process initiated in 2018 may have also lapsed.

However, as there is no decision on the part of the authority as to why the disbursement in favour of the petitioner was stopped and there is nothing on record for the court to decide whether at all there was an enlistment of the petitioner or whether the same had been cancelled or not, the writ petition is disposed of with a direction upon the Block

Development Officer, Tehatta-I, i.e., the respondent no. 4 to treat the writ petition as a representation and dispose of the same in accordance with law upon hearing the petitioner and the respondent no. 7. If the enlistment of the petitioner had been cancelled then the petitioner shall be informed of the same.

In case the issue is still pending the authority pass necessary orders upon hearing all the parties. Such order shall be communicated to all.

If the petitioner is otherwise found to be entitled to receive the disbursement as per the alleged list prepared earlier and his claim still survives, the disbursement shall be made in accordance with law.

At the hearing, the petitioner and the respondent No.7 shall be at liberty to file all relevant documents and materials in support of their individual contentions, including the orders passed by the civil court and the High Court.

The entire exercise shall be completed within a period of two months from the date of communication of this order.

A copy of the writ petition along with a server copy of this order be served upon the respondent no. 4 for necessary compliance.

Accordingly, the writ petition is disposed of.

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.)