

23.03.2023
Court No. 19
Item no.76
CP

WPA No. 4187 of 2023

Basir Sekh
Vs.
The State of West Bengal & Ors.

Md. Harun All Rashid
Mr. Azizul Islam

....for the petitioner.

Affidavit of service is taken on record.

Despite service, none appears on behalf of the respondent nos. 5 and 6.

As this court is not inclined to pass any mandatory directions as prayed for, but deems it fit to relegate the matter before the authority concerned, this writ petition is taken up in the absence of the said respondents.

The writ petition is disposed of with a direction upon the Block Development Officer, Murarai-1 Development Block to dispose of the representation of the petitioner which is Annexure P-5 at page 21 of the writ petition.

The petitioner alleges that the respondent no. 6 has been given the money for construction, under the Pradhan Mantri Awas Yojana Gramin, although, the petitioner was the actual beneficiary and the money had been sanctioned in respect of the petitioner.

The records do not reveal that the petitioner had supplied his bank details before the authority.

However, the correctness of these allegations cannot be decided by the court. There are disputed questions of fact which have to be decided on the basis of the records, by the disbursing authority. Hence, the court does not express any opinion on the issues involved.

The Block Development Officer shall hear the petitioner and the respondent nos. 5 and 6 and pass necessary orders in accordance with law. All the parties before the authority shall be entitled to produce relevant documents in support of their claims. The Pradhan, Murarai Gram Panchayat shall also be heard in this regard.

A reasoned order shall be passed and communicated to all concerned.

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 in the office of the Block Development Officer, Murarai-1 Development Block for necessary compliance of this order.

The court has not gone into the merits of the claims.

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.)