

10.04.2023
Item No.5
gd/ssd

WPA(P)/148/2023

MANIRUL PAIK AND ORS.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Ankur Sharma,
Mr. Imtiaz Akhtar,
Mr. Kiron Sk.

... for the petitioners.

Md. T.M. Siddiqui,
Ms. A. Pandey

... for the State.

Mr. Shyama Prasad Purkati,
Ms. Moumita Mondal

... for the Respondent Nos.7 to 9.

1. By this public interest litigation the petitioners are seeking a direction upon the respondents to go into the allegations of defrauding the government in implementation of Pradhan Mantri Awas Yojana.

2. We find that the representation has not been given by the petitioners, but lawyer's notice has been served and the averments in the lawyer's notice does not specifically state as to which several respondents of Ramkrishnapur Gram Panchayat have colluded with the officials by resorting to defrauding the Government in implementation of Pradhan Mantri Awas Yojana. The petitioners have to specifically state in

their representation as to who are the illegal beneficiaries.

3. Therefore, we are of the view that a comprehensive representation has to be given by the writ petitioners and not by way of lawyer's notice which do not contain the aforesaid details.

4. The learned Advocate appearing for the respondent nos.7 to 9 submitted that the private respondents are denying all the allegations which have been made by the petitioners in this writ petition. The said submission is placed on record.

5. Therefore, we dispose of the writ petition by giving liberty to the writ petitioners to submit a detailed representation to the 4th respondent enclosing all records in support of their claim. On receipt of the said representation, the 4th respondent shall afford an opportunity of hearing to the writ petitioners and all concerned and thereafter proceed to consider the representation and pass a speaking order on merits in accordance with law.

6. The above direction shall be complied with by the 4th respondent within a period of four weeks from the date of receipt of the representation.

7. If in the opinion of the 4th respondent any of the beneficiaries have wrongfully availed the benefit of the Central Government Scheme, then notices should be issued to those beneficiaries and appropriate

direction be passed after giving such beneficiaries an opportunity of hearing.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)