

02.05.2023

Item No.5

Ct. No.1

PG/KS

W.P.A.(P) 200 of 2023

**Prabir Kumar Roy
Vs.
Union of India & Ors.**

Mr. Soumen Bhattacharya
Mr. Gazi Fareque Hossain
Ms. Priyanka Mondal
.....for the Petitioner

Mr. Samrat Sen, Ld. A.A.A.G.
Mr. Nilotpal Chatterjee
Mr. Amrita Lal Chatterjee
.....for the State

Mr. Billwadal Bhattacharya, Ld. Dy. S.G.
Ms. Debjani Ghosal
.....For the U.O.I.

1. We have heard Mr. Soumen Bhattacharya, learned advocate for the petitioner, Mr. Samrat Sen, learned senior counsel for the State and Ms. Debjani Ghosal, learned advocate led by Mr. Billwadal Bhattacharya, learned Deputy Solicitor General representing the Union of India.
2. By the writ petition, the petitioner seeks for various directions in respect of a scheme formulated by the Government of India called National Programme for Buffalo Breeding and Dairying Development (NPBBDD).
3. The case of the petitioner primarily rests upon a direction given by the Paschim Banga Go-

Sampad Bikash Sanstha dated 4th February, 2003, which shows that Rs.5,000/- has been collected from the petitioner. It is not known as to why the petitioner had paid the said money and there is no specific averment in this regard in the writ petition.

4. The petitioner would then place reliance on an affidavit filed by the Under Secretary, Department of Animal Husbandry, Diarying and Fisheries, Government of India in a writ petition filed before this Court in W.P. No.326 (W) of 2014. This affidavit is pressed into service to show that funds were allotted to the State Government by the Central Government. Thereafter, the petitioner places reliance on an information furnished by the State Public Information Officer, PBGSBS to certain queries, which have been raised by the petitioner under the Right to Information Act.
5. By comparing the averments made in the affidavit filed in the said writ petition on behalf of the Government of India and the information furnished under the Right to Information Act, the petitioner's case is that funds have been sanctioned and no money should have been collected from the petitioner.

6. In our view, the case, as projected by the petitioner is a stale claim and the petitioner seeks to place reliance on a receipt, which was issued in the year 2003 collecting Rs.5,000/- from the petitioner. In any event, from the averments made in the affidavit filed by the Government of India in W.P. No.326 (W) of 2014, it is seen that no funds were made available to the State Government for implementation of the scheme after 2013- 2014. Further the affidavit states that State has utilized the released amount of Rs.7508.45 lakh and submitted utilization certificate to the department of Animal Husbandry, Diarying and Fisheries. The copies of the sanctioned order and the utilization certificate received from the State were annexed to the said affidavit, which are not forming part of the present writ petition. In any event, the petitioner without even approaching the concerned authority of the State Government has filed the writ petition seeking for an enquiry and other directions against the Central Investigating Agency, which cannot be entertained. Therefore, no direction, as sought for in the writ petition can be granted at this juncture.
7. However, it is well open to the petitioner to approach the concerned authority of the State

Government, which was in charge of the scheme and place facts before the authority, which shall be considered by the authority, if adequate facts are placed by the petitioner.

8. With the above observations, the writ petition stands disposed of.
9. There shall be no order as to costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)