

18.04.2023
Sl. No.111(ML)
srm

W.P.A. No. 14433 of 2022

Mahadeb Karmakar

Versus

The State of West Bengal & Ors.

Mr. Mukteswar Maity,
Mr. Basudeb Bag,
Mr. Soumen Pradhan

....for the Petitioner.

Mr. Naba Kumar Das,
Mr. Subhabrata Das

...for the State-respondents.

Mr. Anup Mukhopadhyay

...for the Respondent No.7.

Affidavits-of-service are taken on record.

The petitioner is aggrieved by the decision of the authorities to issue the benefit of Pradhan Mantri Awaas Yojana-Gramin (PMAY-G) in favour of the respondent No.7.

According to the petitioner, the land belongs to the petitioner and the petitioner is the head of the family. The authorities had ignored the said fact and granted the benefit to his wife, Nupur Karmakar, the respondent No.7. Further submission is that the relationship between the husband and the wife is not congenial and hence the petitioner apprehends that the respondent No.7 will not

construct the building for the benefit of the family, but siphon off the funds. Suspicion arose in the mind of the petitioner as the name of the father of the respondent No.7 had been mentioned in the beneficiary list by ignoring the fact that the petitioner was the head of the family.

Mr. Mukhopadhyay, learned Advocate appearing on behalf of the respondent No.7 denies the allegation that the relationship between the couple is not congenial. Rather, it is submitted that the petitioner has some bad habits and it is apprehended that if the money is sanctioned in favour of the petitioner, the same would be squandered away and there would be no money left for construction. Learned Advocate submits that the money will be spent for raising a construction in terms of PMAY-G and for the benefit of the petitioner as also the children.

Mr. Das, learned Advocate for the State-respondents has handed over a list of documents. It appears that the Pradhan, Jagulghachi Gram Panchayat had intimated the Block Development Officer, Bhangar-I Development Block, South 24-Parganas that the petitioner had applied for the benefit sometime in 2020, but without any documents. The respondent No.7 applied earlier, sometime in 2016 and the matter was processed, by treating the wife as a beneficiary. However, the benefit has been granted for the SECC family

and the members include daughter, son, wife and the petitioner. The petitioner was recognized as the head of the family. The record of rights which have been annexed with the documents, indicate that the authority considered the same and upon finding that the respondent No.7 was the recorded '*raiya*t' in respect of Plot No.430, considered her eligible for grant of the benefit.

From the documents filed by the State-respondents, it appears that the respondent No.7 applied for grant of benefit under the PMAY-G scheme and her husband's name has been mentioned in the consent form. The petitioner was also recognized as the head of the family and as such the authorities proceeded on the basis of the application of the respondent No.7 which is prior to the application filed by the petitioner sometime in 2020. The benefit is for the whole family.

As the initial list of beneficiaries is prepared by the gram panchayat upon making enquiry, the statement of the Pradhan is relevant. The Pradhan has also informed the Block Development Officer that the respondent No.7 was the first applicant who had applied with all relevant documents, whereas, the petitioner had only applied in 2020, with no documents at all.

Thus, the Court does not find any illegality on the part of the respondent authorities in recognizing the respondent No.7 as a beneficiary. The authority decided to release the money to the respondent No.7 for construction of a house under the PMAY-G for the entire family, which includes the petitioner, the respondent No.7 and the two children.

As Mr. Mukhopadhyay submits that the respondent No.7 does not have any intention to disobey and deprive her husband, the writ petition is disposed of without any interference but with the observation that the grant is for the house where the entire family will reside even if the money is released in the name of the respondent No.7.

The funds shall be released in favour of the respondent No.7 in accordance with the scheme. The construction shall be made in accordance with the provisions of the scheme and for the benefit of the petitioner as well as all other family members including the respondent No.7. The concerned Block Development Officer shall ensure the same.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)