

02.01.2023
Court No. 19
Item no.05
CP

W.P.A. No. 17805 of 2022

Rajib Banerjee

Vs.

The State of West Bengal & Ors.

Mr. Supriyo Chattopadhyay

...for the petitioner.

Mr. Gausul Alam

Md. Yusuf Ali

....for the State.

The petitioner has come with a time barred money claim. According to the petitioner, a sum of Rs.42,64,524/- is still payable by the authorities for construction of household latrines under the MGNREGA.

Records reveal that there were serious discrepancies in the bills raised by the petitioner. There were also allegations of misappropriation and wrongful withdrawal of government funds. The authorities asked the petitioner to show cause. Thereafter, some amounts were released in favour of the petitioner. The petitioner admits to have received the amount.

Under such circumstances, no mandatory directions can be passed by the court directing payment of the alleged remaining amount as claimed by the petitioner.

Learned advocate for the State respondents also submits that full and final payment as assessed by the authorities, have been received by the petitioner as per the petitioner's own admission.

Learned advocate for the petitioner submits that upon enquiry, the amount had been released and, as such, the allegations of mis-appropriation, do not survive.

There are disputed questions of fact which cannot be gone into by the writ court.

There are specific allegations of fraud and misappropriation of government fund. Although some amount had been released by the authority, the court does not find any reason to accept the contention of the petitioner regarding non-payment of admissible dues.

Under such circumstances, the writ petition is disposed of with a direction upon the Block Development Officer, Kanksa Development Block to dispose of the representation of the petitioner dated May 23, 2022, being Annexure P-7 to the writ petition, in accordance with law upon granting an opportunity of hearing to the petitioner as also the Pradhan of Bankati Gram Panchayat and any other authority who may have the knowledge about the alleged execution of the work by the petitioner.

The authority shall intimate the petitioner whether any sum over and above the amount already paid, was due and payable. The ultimate decision on the allegations levelled by the authority against the petitioner shall also be intimated to the petitioner. A reasoned order shall be passed and communicated to all.

The court has not gone into the merits of the claims and the issues involved shall be decided independently.

The entire exercise shall be completed within a period of three 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 concerned Block Development Officer for necessary compliance of this order.

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.)