

S/L 81
30.8.2023
Court No.26
SD

WPA 16807 of 2018

Sri Tara Sankar Saha
Vs.
State of West Bengal & Ors.

Ms. Soma Chowdhury (Bandhu)
Mr. Abhik Sarkar

...for the Petitioner.

Mr. Goutam Lahiri
Ms. Sana Parveen

...for the Respondent No.3.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by a letter dated December 21, 2011 wherein a sum of Rs.44,000/- was demanded by the respondent authorities as per the amended scheme.

The petitioner made certain RTI applications before the respondent authorities subsequently. In the year 2014, he filed a writ petition being WP 7572 (W) of 2014 which was dismissed as withdrawn with liberty to file afresh on the selfsame cause of action. Immediately, thereafter in the month of August 2018, this present writ petition was filed.

It is undisputed that the petitioner put in Rs.10,000/- with the Serampore Municipality on March 22, 2010. Subsequently, he has not been given the benefit under the Jawaharlal Nehru National Urban Renewal Mission Scheme (JNNURM).

Counsel appearing on behalf of the Municipality has also raised contention that the petitioner failed to act in terms of the scheme and therefore, he asked to pay additional Rs.44,000/- which also he failed to pay.

Having considered the submissions made by both the parties, I am of the view that the petitioner is entitled to refund of the amount deposited by him with interest.

In light of the above, the respondent no.3 being Serampore Municipality is directed to refund the amount of Rs.10,000/- to the petitioner along with interest at the rate of 8% from the date of deposit of the money with the Municipality within a period of six weeks from date.

The petitioner is directed to comply with all formalities as required by the Municipality.

With these observations, WPA 16807 of 2018 is disposed of.

There will be no order as to costs.

All parties are to act on the website copy of this order.

(Shekhar B. Saraf, J.)