

02.05.2023
Court No. 19
Item 92
CP

WPA No. 18189 of 2022

Krishna Singh & ors.
Vs.
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Saptarshi Chakraborty
Mr. Arghya Kamal Das
... for the petitioners.

Mr. Sudipto Panda
Mr. Sajal Pandit
... for the State.

The petitioners contend that the self-help group of which the petitioners are some of the members had completed certain works under the MGNREGA projects and they should be paid for such works.

Admittedly, the funds were released by the competent authority on the basis of the bills submitted by the group. The petitioners contend that one of their members, in connivance with a member of the gram panchayat, had siphoned off all the money and thereby cheated the members of the self-help group.

The fact that the payment has been released by the authorities has been specifically mentioned in the representation filed by the petitioners. On the basis of the complaint lodged by the petitioners, Pandua

Police Station Case No. 373 of 2022 dated August 18, 2022 under Sections 420 and 406 of the IPC, has been registered. The investigation is in progress.

The petitioners pray that the amount which had already been released, once again be released in favour of the self-help group. According to the petitioner, a mandamus should be issued directing the respondent authorities to release the amount once again as one of the members of the gram panchayat was involved in the scam.

The government had released the funds. Admittedly, the allegation of misappropriation and cheating is under investigation. Even if one of the members of the gram panchayat is alleged to have connived with the respondent no. 9 who is the member of the self-help group, neither the panchayat authorities nor the State Government can be saddled with the responsibility to make double payment. The respondent no. 10 who happens to be a member of the gram panchayat had committed the offence, if at all, in his personal capacity and not in discharge of his official duty.

The petitioners are at liberty to proceed against the said member, by filing a complaint before the concerned police authorities and also before the competent authority under the West Bengal Panchayat Act, 1973, for necessary action.

The writ court cannot be transformed either into an investigating agency or into a fact finding body on the basis of the allegations made by the petitioners.

The criminal investigation is in progress. If the petitioners are aggrieved by the delayed investigation, their remedy lies elsewhere. The petitioners can file a civil suit for recovery of the money. The State authority cannot be saddled with the burden of making double payment.

It is made clear that the investigation which is going on, shall be reached to its logical conclusion, in accordance with law.

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.)