

02.05.2023

Item No.11

Ct. No.1

RP/AN

WPA(P) 447 of 2022

Shibu Mondal & Ors.

vs.

The State of West Bengal & ors.

Mr. Santi Das

Ms. Sayanti Sengupta

... for the petitioners

Mr. Samrat Sen, Sr. Adv., AAAG

Mr. Nilotpall Chatterjee

Mr. Amritlal Chatterjee

Ms. Amrita Panja Moulick

... for the State

1. By this writ petition the petitioners allege various irregularities committed by the ninth respondent in respect of construction of road and drain. The first ground of challenge is that in terms of the notification issued by the State Government all works above tender value of Rs.5,00,000/- or more e-tender process has to be mandatorily followed. Further allegation is that the wife of the Savapati of Ranaghat-I Block, Habibpur, Nadia has been allotted certain works without conducting the e-tender process. Further, it is alleged that payments have been made to the contractors even before the commencement

of the work and completed and, therefore, the petitioners pray for a full-fledged enquiry into the matter. The petitioner has also filed a complaint before Ranaghat Police Station, Nadia which has been registered as FIR No.546 of 2022 dated 27th July, 2022 under Sections 420/409/34 of the Indian Penal Code. However, it is stated that till date no action has been taken by the police authority.

2. Mr. Sen, learned senior counsel appearing for the respondents on instruction submits that total 14 items of works were given to various contractors, of which five items have been completed and payments have been released. With regard to the balance eleven items of work he submits that though the works were awarded to the contractors but they could not complete the work on account of protest by the villagers raising several issues.
3. The allegation that e-tender process was not adopted and that the wife of the Savapati of Ranaghat-I Block, Habibpur, Nadia has

been allotted the work, if true, is a serious matter. Though the writ petition has been pending since September 2022 and till date nothing appreciable has happened in the matter, we are of the view that instead of keeping the writ petition pending, a direction can be issued to the District Magistrate, Nadia to conduct a full-fledged enquiry into the matter so as to ascertain as to whether any fraud or misappropriation of public fund had taken place or not.

4. In the light of the above, the writ petition is **disposed of** with a direction to the second respondent to conduct a full-fledged enquiry into the matter including as to whether proper tender process was followed by the Pradhan, Ranaghat-I Block, Habibpur, Nadia before allotting the works, whether the five works for which payments were made have been completed to the requisite satisfaction of the authority and in respect of remaining 11 works direction can be issued to the Pradhan, Ranaghat-I

Block, Habibpur, Nadia not to release any money and if any money has been released and no work has been carried out, respective contractors may be directed to refund the amount paid to them and the District Magistrate shall issue necessary direction as to how in future the allotment in respect of 11 items of work should be done.

5. The above directions be complied with within a period of four weeks from the date of receipt of server copy of this order. Needless to state that the above directions be complied with after issuing notice to the tenth respondent. The petitioner shall also be kept informed about the outcome of the proceeding.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)