

19.09.2023
Item No.10
gd/ssd

WPA(P)/489/2023
DEBMOY MANDAL
VS
STATE OF WEST BENGAL AND ORS.

Md. Sarwar Jahan,
Mr. Sayantan Hazra,
Mr. Shahzad Noor Thander
..for the Petitioner.

Md. T.M. Siddiqui,
Ms. Amrita Panja Moulick
..for the State.

Mr. Sabir Ahmed.
Mr. Abdur Rakib,
Mr. Tasnim Ahmed,
Mr. Dhiman Banerjee
..for the Respondent No.9.

1. By this public interest litigation the petitioner would allege that more than 32 work orders have been issued to a single individual, namely, the 9th respondent and payments are sought to be released under the MGNREGS Scheme.

2. According to the petitioner, the work orders are manipulated orders and those are forged documents and based on which the 9th respondent had filed a writ petition before this court in WPA 16314 of 2022 alleging that he had completed certain works as per the work orders pursuant to the tenders floated by the Mahananda Tola Gam Panchayat, payments have not been made.

3. The learned Single Bench by order dated 25th April, 2023 has disposed of the writ petition by directing the District Magistrate to consider the representation given by the 9th respondent through his advocate dated 21st March, 2022 after giving an opportunity of hearing to the 9th respondent and also to the Block Development Officer and other authorities and pass a reasoned order.

4. In the light of the objection raised by the petitioner as also mentioned in his representation dated 27.07.2023 which has been received in the office of the District Magistrate, Malda, we direct that the District Magistrate, Malda while considering the representation of the 9th respondent through his advocate dated 21st March, 2022 shall also consider the representation of the writ petitioner dated 27.07.2023 by affording an opportunity of hearing to the present writ petitioner as well as the 9th respondent and the Block Development Officer and other authorities and pass a speaking order on merits and in accordance with law. In the event the representation given by the 9th respondent dated 21st March, 2022 has already been disposed of in accordance with the direction issued in WPA 16314 of 2022 dated 25th April, 2023, the District Magistrate, Malda is directed to separately consider the petitioner's representation dated 27.07.2023 after notice and opportunity of personal hearing to the present writ

petitioner as well as to the 9th respondent and the Block Development Officer and other authorities.

5. It is submitted by the learned advocate for the 9th respondent that the order and direction issued by the learned Single Bench is yet to be implemented which would go to show that till date payments have not been released in favour of the 9th respondent.

6. The above direction be complied with within a period of six weeks from the date of receipt of the server copy of this order.

7. With the above observation, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)