

03.10.2023.
Item No.12
Ct. No.1
PG/KS

W.P.A.(P) 521 of 2023
Sujay Bandypadhyay
Vs.
The Principal Secretary, Department of
Agriculture, Crop Insurance Branch & Ors.

Mr. Kishore Dutta, Sr. Adv.
Mr. Shambhu Mahato

.....for the petitioner

1. We have heard Mr. Kishore Dutta, learned senior advocate appearing for the petitioner.
2. Though there were varied prayers sought for in the writ petition, on instruction, the learned advocate on record appearing for the petitioner prays for deleting prayer no.'c', wherein a direction was sought to the Central Bureau of Investigation.
3. The request is accepted and prayer 'c' is struck off and accordingly, the respondent no.4 is deleted from the array of parties.
4. The petitioner, an individual has filed this writ petition as a public interest litigation stating that about 1911 innocent farmers, who had cultivated potato and suffered loss on account of unprecedented and untimely rain during winter season had not been paid compensation in terms of a scheme notified by the Government of West Bengal called Banga Shasya Bima (for short, "B.S.B.") Scheme during Rabi 2021-2022 season.

5. According to the petitioner, about 40 farmers have been compensated and the remaining have not been compensated and considering the strata of society from which they hail they are unable to get their grievances redressed in spite of several representations and mass petitions.
6. On a perusal of the scheme as notified by the Government West Bengal namely, B.S.B. dated 3rd November, 2021, we find that there is a monitoring mechanism put in place under this scheme. Clause – 14 of the said scheme deals with monitoring and supervision. There is a State Level Monitoring Committee, District Level Monitoring Committee and Block Level Monitoring Committee. The writ petition has been filed on behalf of the potato growers with particular reference to the Paschim Medinipur District.
7. Therefore, we are of the view that at the first instance, the District Level Monitoring Committee has to look into the grievance as the various factors have to be considered and in several of the matters can be disputed questions of fact, which cannot be resolved by way of affidavits. Therefore, we are of the view that the District Level Monitoring Committee, which is headed by the District Magistrate or the Additional District

Magistrate of Paschim Medinipur District should consider the grievance expressed by the petitioner in this writ petition as also in the representations given by the aggrieved individuals as well as the mass petition.

8. Accordingly, the writ petition is disposed of by directing the 16th respondent, namely the District Magistrate of Paschim Medinipur District namely, the Chairman of the District Level Monitoring Committee or any other officer or the Additional District Magistrate, who has also been authorized under the scheme to look into the grievance expressed by the petitioner and conduct an enquiry and proceed to take an action in accordance with law.
9. In order to facilitate the compliance of this direction, the petitioner is directed to submit copies of all the representations and all other documents and records available including a copy of this order and personally appear in the office of the District Magistrate, Paschim Medinipur District and hand over the documents in the office of the District Magistrate.
10. On receipt of the copies of the representations, the District Magistrate, Additional District Magistrate, who is the Chairman of the District Level Monitoring Committee shall convene a

meeting of the Committee and proceed to take action in accordance with law.

11. Considering the allegations that 1911 potato growers are awaiting payment of compensation, the District Level Monitoring Committee of the Paschim Medinipur District shall comply with the above direction within a period of three months from the date on which the petitioner hands over the copies of the representations in the office of the District Magistrate, Paschim Medinipur.
12. With the above directions, the writ petition stands disposed of.
13. No costs.
14. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)