

S/L 11
6.2.2023
Court. No. 19
Sn/srm

W.P.A. 28113 of 2022

Saidur Rahaman & Ors.

Versus

Union of India & Ors.

Mr. Ramkrishna Bhattacharyya
Mr. Kaushik Chowdhury
Ms. Burra Khatun

...for the Petitioners.

Mr. Susanta Pal
Ms. Ananya Neogi

...for the State

Mr. Arun Bandopadhyay

..for the U.O.I.

Perused the report of the Under Secretary to the Government of India, Ministry of Rural Development, dated January 31, 2023. The report is specific and has addressed the queries of the Court.

It is an admitted position that the facilitator who was engaged by the Sansad in question, had mistakenly left out the names of the petitioners from the list of eligible beneficiaries under the Pradhan Mantri Awaas Yojana-Gramin (PMAY-G). The mistake was detected sometime in October, 2021 after the petitioners filed their objection before the authority. The name of the petitioners could not be inserted as the scheme had expired and the portal of the Central Government was shut down.

The Court had directed the learned advocate for the Union of India to come back with a specific report as to whether the Central Government would be able to open the

portal and the names of the petitioners could be entered in the list of beneficiaries by the State of West Bengal.

The Central Government has specifically submitted that the Ministry of Rural Development started implementing the housing for all scheme, with effect from April 1, 2016 which was popularly known as PMAY-G. The target of the scheme was to provide assistance to 2.95 crore eligible rural households to construct *pucca* houses with basic amenities. The beneficiaries were to be identified based on the housing deprivation parameters prescribed under Socio- Economic Caste Census (SECC), 2011 and the finalized Awaas+ list based on survey conducted in 2018-19 for eligible left out houses.

The survey was started in January, 2018. The initial deadline for such survey was March 31, 2018 and the deadline was extended four times and finally up to March 7, 2019. All the eligible left out households were to be covered by the State Governments within the deadline of Awaas+ survey. Sufficient time was given to the States including the State of West Bengal for inclusion of the names of eligible households in Awaas+ scheme.

The report further records that the target under the PMAY-G was construction of 2.95 crore *pucca* houses by March, 2024 under PMAY-G. The target was to be met from SECC 2011, PWL and finalized Awaas+ lists. As on January 29, 2023, a target of 2.94 crore houses had been allocated to the States/Union Territories by the Ministry. 2.82 crore

houses have already been sanctioned by the States/Union Territories to the eligible beneficiaries.

It has been specifically stated that the scheme is at the final stage of completion and the portal of Awaas+ has been closed. The same cannot be reopened for any particular State for inclusion of new households. However, comments of the State of West Bengal have been sought for by the Ministry by a letter dated January 29, 2023 and the reply is awaited.

The stand of the Central Government is clear. The portal cannot be reopened for the State of West Bengal for enlistment of the left out beneficiaries. The State was solely responsible for implementation of the scheme by making the survey. Preparation of the list of eligible beneficiaries was also the duty of the State. However, further comments of the State of West Bengal have been invited by the Central Government as per the report and comments submitted by the Ministry.

It appears that the Additional Secretary to the Government of West Bengal, Panchayat and Rural Development Department has already approached the Under Secretary to the Government of India, Ministry of Rural Development with a request to allow the concerned department of the State Government to enter into the portal and edit the data in the Awaas+ portal, subject to further verification of the eligibility criteria of the petitioners. The Central Government has not yet taken a decision on such request.

The Central Ministry has called for a report from the Additional Secretary to the Government of West Bengal, Panchayat and Rural Development Department, in this regard. A letter has already been written by the Additional Secretary to the Government of West Bengal, Panchayat and Rural Development Department on February 2, 2023. If the cases of the petitioners are found to be genuine upon verification, in that event the Central Government and the State Government shall sit together and find a solution. If the Awaas+ portal cannot be reopened at all in view of the fact that the other States would be then deprived if further extension is given to the State of West Bengal, the Additional Secretary to the Government of West Bengal, Panchayat and Rural Development Department shall be intimated of the same by the Under Secretary to the Government of India, Ministry of Rural Development within four weeks from the date of communication of this order.

This observation is made by the Court on the faith and belief that the Central Government had not allowed any other State further extension beyond March 7, 2019 to enter data and correct any information in the Awaas+ portal which had been closed. Uniform policy shall be followed in respect of all the States including the State of West Bengal. If the Ministry comes to a decision that the State of West Bengal will not be permitted to enter the names of the petitioners who had wrongly been left out at the time of survey by the State Government by reopening the portal, in that event the State Government upon holding a physical verification of the

households and the living conditions and other eligibility criteria of the petitioners will provide assistance to the petitioners for construction of *pucca* houses akin to those under the scheme. The entire exercise shall be completed within eight weeks from receipt of the intimation from the Ministry of Rural Development, Government of India.

A reasoned order shall be passed by the Additional Secretary, Government of West Bengal, Panchayat and Rural Development Department and intimated to the petitioners in this regard.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

This order is only confined to the petitioners subject to fulfillment of all eligibility criteria as per the Scheme. The living conditions and financial position of the petitioners may have changed within the intervening five years.

The reports filed by the Central Government and the State Government are taken on record.

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.)