

27.06.2024
Item No.17
gd/ssd

WPA(P)/234/2024
RABIUL ALAM AND ANR.
VS
THE CHIEF SECRETARY, STATE OF WEST
BENGAL GOVERNMENT AND ORS.

Mr. Imtiaz Akhtar,
Mr. Sarajit Roy,
Mr. Masud Malik
..for the Petitioners.

Sk. Md. Galib,
Mr. Abu Siddique Mallik
..for the State.

1. This public interest litigation has been filed alleging that the respondents instead of constructing an embankment at Rangamatia Mouza it has been constructed in the Elahabad Mouza which is 500 meters away from the original site where the proposed embankment was supposed to be constructed.

2. The learned Government counsel has placed the written instruction given by the Executive Engineer, Mahananda Embankment Division, Green Park, Malda.

3. It has been stated in the report that 500 meter near Maharajpur G.P office (Rangamatia) the village name, not the Mouza name, was incorporated into the scheme title. The village name Rangamatia was confirmed after local enquiries during survey work. The Mouza name was not considered in the entire scheme. Further, the written instruction states that on

28.03.2024 a meeting was held by the Block Development Officer, Mahananda Embankment, Ratua-II, the Sub-Divisional Officer, Mahananda Embankment Sub-Division-III and other officials and one complainant by name Pritam Chowdhury was also present in the meeting and the complainant was informed about the entire facts. Further, it has been stated that the department is currently carrying out the work at the pre-determined location specifically within the aforementioned geographical coordinates/adhering strictly to the approved scheme without any deviation. Further, it has been emphatically stated that there is no question of diversion of Government funds to execute the work at another location and no question of misuse of Government money in any manner.

4. The allegation made by the petitioners regarding misuse and diversion of Government money is vague and not substantiated.

5. Apart from that, the written instructions given by the Executive Engineer shows that the location was fixed using geo-coordinates in the Detailed Project Report (DPR).

6. Thus, the technical aspects have been taken into and the work has been executed and at this juncture, this court cannot interdict the process by way of public interest.

7. Accordingly, the writ petition stands dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)