

12.09.2024
Item No.11
PG/KS
Ct. No.1

W.P.A. (P) 378 of 2024

**Naba Kumar Ghosh
Versus
The State of West Bengal & Ors.**

Mr. Debabrata Roy
Ms. Karabi Roy
Ms. Sarbani Mukhopadhyay
Mr. Soumik Mondal
..... For the Petitioner

Mr. Jahar Lal De
Ms. Sukla Das Chandra
.....For the State

Md. Sarwar Jahan
Mr. Amanul Islam
Mr. Sourav Mukherjee
Ms. Tapati Sarkar
.....For the Respondent Nos.6, 9 & 10

1. This public interest litigation has been filed praying for appropriate direction against the respondents/ Panchayats alleging that large scale siphoning off funds have occurred under the 15th Finance Commission, which was allotted for various developmental works. In this regard, mass petitions were given.
2. From the action taken by the Joint Block Development Officer, Chapra Development Block, Nadia, it is seen that part of the allegations made by the petitioner turned out to be true. The authority has found out that excess payment has been made to the contractor to the tune of Rs.2,04,441/- and a report has been submitted by the Block Development Officer, Chapra Development

Block to the District Panchayat and Rural Development Officer, Nadia on 4th September, 2024 forwarding the enquiry and action taken report. Therefore, there appears to be some substance in the representation given by the petitioner.

3. Learned advocate appearing for the petitioner would submit that the petitioner is not privy to all the details and whatever they could collect, they have placed it before the learned District Magistrate and unable to place the other complaints because there was no response to the various queries raised under the Right to Information Act.
4. Considering the fact that part of the allegations made by the petitioner has turned out to be true, enquiry needs to be conducted as to how the funds of the concerned Panchayat were administered.
5. Therefore, we direct the District Magistrate, Nadia to constitute a team of officers to examine as to whether the funds allotted under the 15th Finance Commission have been appropriately expended to, whether there was any irregularity etc. Upon such enquiry, the team shall submit a report to the District Magistrate, who shall consider the report and after notice to all concerned, take appropriate action in accordance with law.

6. The above direction shall be complied with within a period of four months from the date of receipt of server copy of this order.
7. So far as the finding rendered by the Joint Block Development Officer regarding excess payment to a contractor, steps be taken to recover the same from the concerned contractor.
8. With the above directions, writ petition stands disposed of.
9. During the inquiry, the complicity of the officers or any other staff of the Panchayat should also be inquired into. The petitioner is directed to forward the copy of the writ petition along with annexures along with the copy of this order to the office of the District Magistrate for effective compliance of the above directions.
10. No costs.
11. 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.)