

Court No. 2

04.7.2024

(Item No. ML-
100)

(AB)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

W.P.A. 22156 of 2023

Murshidabad Roshanbagh Social Welfare
Development Society

VS

The State of West Bengal & Ors.

Mr. Sounak Bhattacharya

Mr. Sounak Mandal

Mr. Abhirup Halder

Ms. Sinaj Khatun

.... For the petitioner

Mr. Samrat Paul

.... For the State respondent
Nos. 1 to 6.

This is the second round of writ petition. The first round of writ petition being **WPA No. 8081 of 2023** was disposed of by a co-ordinate bench by passing an order dated **April 11, 2023, annexure P-5** at **page 20** to the writ petition wherein the appropriate State authority was directed to consider the money claim of the petitioner.

Pursuant to the said direction, respondent No. 2 has passed its reasoned order with the following finding:

“ORDERED

That all the claims, as contended by the petitioners, in the instant Writ Petition are not admissible as found to be not correct.

That Rs.22,22,896/- (Twenty Two Lacs, Twenty Two Thousand Eight Hundred and Ninety Six) only, (i.e Rs.99,50,000 – Rs.77,27,104 = Rs.22,22,896), is

directed to be disbursed towards the adjustment of the claims of the petitioners from the end of the BDO & Executive Officer, Bhagwangola – II Panchayat Samiti.

That with this observation, the matter is accordingly disposed of and the Solemn Order dated 11.04.2023 of the Hon'ble High Court at Calcutta in connection with W.P.A. No. 8081 of 2023, in the matter of Murshidabad Roshanbagh Social Welfare Development Society – Vs- The State of West Bengal & Ors. is complied with.

That this Order does not suffer from any legal infirmities warranting any interference and shall have effect from the date of communication of the Order.

Let this original of this Final Order shall be kept in file and let the copy be communicated to the Petitioners, Respondents, Murshidabad Zilla Parishad and to all other concerned Officers.”

The said decision is still in vogue and is operating the field.

Learned counsel for the petitioner submits that, despite the said direction for payment the amount has not yet been disbursed and paid to the petitioner.

Today, when the writ petition was taken up for consideration learned State counsel has placed a written instruction which was issued under the seal and signature of the Executive Officer of the concerned Panchayat, the same is taken on record. The relevant portion is quoted below:

“20. Order of the District Magistrate and Collector, Murshidabad directs the BDO & Executive Officer, Bhagwangola – II Panchayat Samiti to disburse

the fund towards the adjustment of the claims of the petitioner. Hence the petitioner was asked to submit his claims vide letter bearing memo no. 1494 dated 09.08.2023 and again vide memo no. 1587 dated 18.08.2023 (copy enclosed).

Also, the BDO & Executive Officer, Bhagwangola - II Panchayat Samiti has already made two prayer for requisition of the same fund to Additional District Magistrate (Dev.), Murshidabad vide memo no. 1464 dated 04.08.2023 and again vide memo no. 2321/En dated 10.11.2023 so that it can be disbursed towards the adjustment of the claims of the petitioner.

The fund will be released in favour of the petitioner as early as possible after receiving it from the district end.”

In view of the above, after compliance of all the formalities required in law, the respondent No. 2 shall release and disburse the entire payment in terms of its order dated **July 3, 2023** at **page 25** to the writ petition forthwith and positively within a period of **six weeks** from the date of communication of this order.

If any formality is required to be carried out by the petitioner, the same shall have to be done by the petitioner in compliance with the direction of the respondent No. 2 in the meantime.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition, **WPA 22156 of 2023** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)