

09.07.2024
Sl. No.2(DL)
srm

W.P.A. No. 25080 of 2023

Nanhe Singh

Versus

The State of West Bengal & Ors.

Mr. Pritam Majumder,
Mr. Soumya Sankar Chini

...for the Petitioner.

Ms. Jhuma Chakraborty,
Ms. Arpita Mondal

...for the State-respondents.

Mr. Rajib Mukherjee,
Ms. S. Bhaduri

...for the Bhatpara Municipality.

The petitioner has invoked the jurisdiction of a residuary Bench on the ground that he has a money claim against the Bhatpara Municipality and the Bhatpara Municipality has denied such claim. Such dispute must be decided by this court.

The petitioner also relies on certain documents which indicate that the municipality had requested release of funds for payment of dues to the contractors who had worked for some projects during the regime of Sri Arjun Singh, the then Chairman of Bhatpara Municipality.

The Bhatpara Municipality submits that by showing fake work orders issued by the municipality, the loans were

obtained from the Naihati Co-operative Bank Limited on March 28, 2018 and March 29, 2018. The bank also intimated the same to the Chairperson, Board of Administrators, Bhatpara Municipality. The bank filed a complaint and Bhatpara Police Station Case No.73/2020 dated February 9, 2020 was registered under Sections 467/468/471/420/406/409/120B of the Indian Penal Code. It is submitted that the work orders on the basis of which the petitioner is claiming payments are fake. Moreover, the petitioner has been blacklisted. It is also submitted that the police investigation has been concluded and charge sheet has been filed. No money is payable.

Under such circumstances, the writ court is not in a position to decide a money claim made by the petitioner.

This document relied upon by the petitioner does not legitimise the case of the petitioner. Moreover, the *bona fide* of the petitioner and the work done are all subject matters of a criminal trial.

Under such circumstances, when these disputed questions of facts have been brought forward by the municipality including an order of blacklisting, the direction for release of funds is beyond the competence of the writ court.

The writ petition is disposed of without any orders.

However, the petitioner is at liberty to approach the civil court. Adjudication of this matter requires trial on evidence.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)