

ML 424
13.03.2024
Ct. No. 15
adeb

W.P.A. 31402 of 2017

**Sobрати Mondal & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Rajendra Banerjee
Mr. Subhendu Roy Chowdhury
Mr. Joy Chakraborty
...for the petitioner

Mr. Prosenjit Mukherjee
Mr. Saptarshi Chakraborty
Ms. Manisa Mondal
...for the respondent nos. 11 to 13.

Writ petition was initially filed by five villagers out of which petitioner nos. 1, 2 and 5 are not represented today.

However, petitioner nos. 3 and 4 are represented before this Court through Mr. Rajendra Banerjee, learned advocate.

It has been alleged that respondent no. 11 being aided and assisted by other private respondents misused the fund connected to the public welfare activities. Petitioner nos. 3 and 4 have prayed for issuance of mandamus directing the concerned respondent authorities to initiate appropriate disciplinary action against respondent nos. 11 to 16 for misuse of fund.

Mr. Prasenjit Mukherjee, learned advocate representing respondent nos. 11 to 13 submits that respondent no. 11 is the son of the erstwhile Pradhan of

Mitrapur Gram Panchayat. It is also contended that initially writ petition was filed by five villagers, but subsequently petitioner nos. 1, 2 and 5 are not interested to proceed with the matter. It is further submitted that on self same issue some other persons filed Public Interest Litigation being WPA 28394 of 2017 which was dismissed on the ground of non-prosecution by the Hon'ble Division Bench on 18th January, 2019. Order of the Hon'ble Division Bench dated 18th January, 2019 is taken on record.

Having considered the submissions made on behalf of the petitioners it appears that right of the petitioners is not directly infringed by the alleged activities of the private respondents. Merely, concern has been expressed on behalf of the petitioner nos. 3 and 4 that the fund which has been allotted for development activities has been diverted by the private respondents which is detrimental to the interest of the villagers residing under the jurisdiction of Mitrapur Gram Panchayat. Therefore, at best petitioners could institute Public Interest Litigation raising the said issue; the writ petition in its present form however is not maintainable.

Accordingly, the writ petition stands dismissed.

However, this order shall not preclude the petitioners to take steps in accordance with law against the private respondents, if so advised.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)