

D/L
Item No. 36
17.09.2025
KOLE
266306

WPA 2211 of 2025

**Sahajan Ali & Ors.
-Vs.-
The Union of India & Ors.**

Mr. Ram Krishna Bhattacharyya,
Mr. Ansar Mondal,
Mr. Tanweer J. Mondal,
.....for the petitioners.
...for the State.

Affidavit of service filed in court today be kept with the records.

The petitioners are aggrieved by the non-installation of a tubewell in Mouza-Ratanpur whereat the petitioners reside under the “Har Ghar Jal/Jal Jeevan Mission”, of the Government of India.

It is submitted by the petitioners that two tubewells have been installed by the respondents in the adjacent Mouza, namely, Bindole.

The petitioners complain that despite a representation dated January 9, 2025, having been made to the respondents, the same has not yet been considered.

Learned Advocate appearing for the State respondents submits that the feasibility of installation of a tubewell at a particular place should be left to the expertise of the relevant authorities in terms of a judgment of the Hon’ble Division Bench in the case of WPA (P) 527 of 2018 dated October 3, 2023 (later corrected as WPA (P) 527 of 2023 vide order dated 16.10.2023) and that the petitioners cannot claim installation of tubewell at a given place as a matter of right.

Learned Advocate for the State also hands up to court a copy of the instructions forwarded to him by the Executive Engineer, Raiganj, Division, P.H.E. Dte. Let the instructions be taken on record.

Heard learned Advocates appearing for both the parties.

Having regard to the nature of the grievance raised by the writ petitioner and the fact that the writ petitioners have already made representation before the respondents on January 9, 2024, this Court of the view that no useful purpose will be served by inviting affidavits and keeping this writ petition pending. Since the writ petitioners have already approached the respondents, which includes the District Magistrate, Uttar Dinajpur, Raiganj, therefore, it would be proper for the District Magistrate, Uttar Dinajpur, Raiganj to deal with the petitioners' contention at the first instance and dispose of the same.

The District Magistrate, Uttar Dinajpur, Raiganj shall, therefore, dispose of the writ petitioners' representation dated January 9, 2025 by passing a reasoned order, strictly in accordance with law, within a period of four weeks from the date of communication of this order. The District Magistrate shall communicate the reasoned order to the writ petitioners within a week from the date of passing thereof.

It is clarified that this court has not gone into the merits of the case and the District Magistrate shall be free to take appropriate decision in accordance with law.

WPA 2211 of 2025 stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Om Narayan Rai, J.)