

09.09.2025

Ct. No. 551
Sl. No. 81
Moumita

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 3945 of 2025

Sujay Kayal
Vs.
The State of West Bengal & Ors.

Mr. Parvez Hossain
Mr. Rezaul Hossain

....For the Petitioner

Mr. Subhra Prakash Lahiri
Ms. Kakali Pal

.....For State

The petitioner complains of non-payment of amounts due to the petitioner in respect of certain works executed by him pursuant to three work orders being Memo No. 404/BDO/MATH-1 (page 22 of the writ petition), Memo No.417/BDO/MATH-1 (page 30 of the writ petition), Memo No.420/BDO/MATH-1(page-37 of the writ petition), all dated March 8, 2021 issued by the Block Development Officer, Mathurapur-(i) DEV Block, South 24 Parganas.

It is submitted that a representation dated January 15, 2025 (pages 42-43 of the writ petition) has been made by the petitioner, through his learned advocate, to the Block Development Officer Mathurapur-1 Development Block thereby requesting the said Block Development Officer to take appropriate steps for making payment of an amount of Rs.3,20,053/- (Rupees three

lakh twenty thousand and fifty three) with interest at the rate of 12% per annum from the date of presentation of the bills till the date of actual payment thereof. It is submitted that such representation has not been considered and no payment has been made. The petitioner also invites the attention of this Court to page 41 of the writ petition and submits that the petitioner has completed “100%” of the work and is entitled to payment.

Having regard to the nature of the case run in this writ petition, this court is of the view that since money has been claimed by the petitioner in respect of works alleged to have been done by him pursuant work orders issued to the petitioner by the relevant Block Development Officer, it would not be proper for this court to enter into the merits of the case at the first instance, more so, when the petitioner’s representation is pending before the said Block Development Officer. There may or may not be factual disputes and the claim may be admitted or disputed. Whatever may be the case, the Block Development Officer must decide the matter first.

The respondent no. 5 i.e. the Block Development Officer, Mathurapur-1 Development Block is, therefore, directed to consider and dispose of the petitioner’s representation dated January 15, 2025 (Annexure P-11 at pages 42 to 43 of the writ petition) strictly in

accordance with law, within a period of three weeks from the date of communication of this order.

It is made clear that this court has not gone into the merits of the petitioner's claim and the Respondent No. 5 shall be free to decide the said representation containing the claim of the petitioner, in accordance with law.

It is also made clear that this order shall not be treated as a mandate for making payment of the sums claimed by the writ petitioner whether in the writ petition or in the representation and this order shall also not be treated as a passport to cross over any statutory bar including a bar of limitation, if any.

The respondent no. 5 shall dispose of the said representation within the aforesaid time frame by a reasoned order and shall communicate such order to the petitioner within a week from the date of the passing thereof.

WPA 3945 of 2025 stands disposed of.

(Om Narayan Rai, J.)