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08.08.2025
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 5210 of 2024

**Ramkrishna Mondal
-versus
The State of West Bengal & Ors.**

**Ms. Juin Dutta Chakraborty,
Mr. B. Modak,
Ms. Arpita Kundu.
...For the Petitioner.**

**Mr. Tulshi Das Roy.
...For the State.**

1. Affidavit-in-opposition filed by the District Planning Officer of the office of the District Magistrate and Collector is taken on record.

2. It appears therefrom that there is no denial made by the Authority as regards the work done by the contractor.

3. The opposition mentions that the agency named Joy Jagannath Co-operative Contract and Construction Society Ltd. was to complete the work within sixty days but from the completion certificate it appears that the work was completed beyond the period of sixty days.

4. It further mentions that the contractor did not file the instant writ petition but the same has been filed by a person claiming to be the Secretary. Locus of the petitioner to file the writ petition is questioned by the respondent authority.

5. It has further been mentioned that there was no administrative approval and sanction of the scheme.

6. From the documents annexed to the writ petition it is evident that the Divisional Forest Officer accepted the security money from the contractor pursuant to a tender floated and issued proper work order in favour of the contractor and also issued completion certificate clearly disclosing the Tender/Quotation number and the Work Order number with the date and the sanctioned amount. No objection was ever raised with regard to the work performed by the contractor. On successful completion of work, the Authority would be duty bound to release payment.

7. The submission of the District Planning Officer on behalf of the District Magistrate and Collector as regards non-obtaining sanction of the work cannot save the respondent authority from releasing payment after regular tender process was conducted, formal work order issued and completion certificate issued in favour of the contractor.

8. The instant writ petition is, accordingly, disposed of by directing the Divisional Forest Officer, Birbhum Division to take necessary steps for releasing payment in terms of the work done to the contractor at the earliest but positively within a period of four months from the date of communication of this order.

9. The writ petition stands disposed of.

10. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

11. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

(Amrita Sinha, J.)