

S/L 2
26.11.2025
Court. No. 25
suwayan

WPA 20991 of 2024

Ashish Mondal
Vs.
The State of West Bengal & Ors.

Mr. Pankaj Halder

...for the petitioner.

Mr. Rameshwar Sinha

...for the State.

1. By an order dated September 19, 2025 this Court directed the B.D.O., Mathurapur-II Development Block, Bakultala, District - South 24 Parganas to file a report by way of affidavit but the B.D.O. has not file any report. Again by an order dated November 4, 2025 when the matter is called learned advocate for the State has prayed for time to comply the order dated September 19, 2025. Again the matter was taken on November 18, 2025 but the order dated September 19, 2025 was not complied with. Accordingly, this Court by an order dated November 18, 2025 directed the B.D.O. to appear before this Court through virtual mode today at 11.00 a.m. and also directed to submit the report.
2. In compliance of the order dated November 18, 2025, the B.D.O. is present through virtual mode and filed the report.
3. From the report it reveals that the respondents have not denied with regard to the entitlement of the petitioner to a sum of Rs. 6,57,586/- but have submitted that no fund is available with the department and accordingly request has been made to the concerned authority for release of

the fund so as to enable the respondents for release of the amount in favour of the petitioner.

4. Let the report be kept with the record.
5. Learned counsel for the respondents submits that as there is no fund in the department and whenever the fund will be sanctioned, the amount will be released in favour of the petitioner.
6. Learned counsel for the petitioner submits that the petitioner is also entitled to get interest and has relied upon an unreported judgment in the case of ***Buddhiswar Halder vs. The State of West Bengal & Ors.*** passed in ***WPA 13084 of 2023*** dated March 13, 2025 wherein the co-ordinate Bench of this Court has allowed the interest at the rate of 6 percent per annum from the date of approval of the actual payment.
7. Heard the learned counsel for the respective parties as well as the B.D.O. appearing in-person through virtual mode and considered the report submitted by the B.D.O.
8. This Court finds that there is no dispute with regard to the entitlement of the petitioner to a sum of Rs. 6,57,586/-. The only reason which the authority has shown that the amount could not be released due to the non-availability of fund in the department. The B.D.O. has further stated that he already requested the concerned authority for release of the fund.
9. Considering the report submitted by the B.D.O. the writ petition is disposed of by directing the District Magistrate, South 24 Parganas, Alipore, Kolkata – 700027 to approve the fund within a period of four

weeks from the date of receipt of this order and immediately after sanction of the fund the respondent no. 3 shall release the amount in favour of the petitioner within a week thereafter.

10. The respondent is also directed to pay the interest at the rate of 10 percent per annum from the month of March, 2021 that is from the date of completion of work and till the realization of the total amount.
11. The personal appearance of the B.D.O., Mathurapur-II Development Block, Bakultala, District - South 24 Parganas is dispensed with.
12. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)