

W.P.A. 25749 of 2024
Aynal Hossain Molla
-Vs.-
The State of West Bengal & Ors.

Mr. Manojot Bhattacharya
...for the petitioner
Mr. Lalit Mohan Mahata, Ld. AGP
Mr. P.B. Mahata
...for the State

Affidavit-of-Service filed in Court today be kept
with the records.

The grievance of the petitioner is directed
against alleged non-payment by the State authorities
for purported public works being carried out by the
petitioner.

It is submitted on behalf of the petitioner that
after completion of the subject works, the State
authorities are refusing to make payment to the
petitioner.

On behalf of the State it is submitted that no
such works were authorized by the State and the
concerned Pradhan had no jurisdiction, nor authority
to allot such works. In such circumstances, the
entire claim of the petitioner is fabricated and the
instant writ petition is liable to be dismissed.

In view of the submissions made on behalf of
the parties, it is obvious that the writ petition is for
payment of money under a works contract.

The disputes raised in the writ petition are factual in nature and cannot be adjudicated in a summary proceeding. There are serious issues insofar as the formal works order issued by the State is concerned.

In such view of the matter, the writ petition is not maintainable. Accordingly, WPA 25749 of 2024 stands dismissed on the ground of maintainability.

A copy of the Report filed by the police authorities be kept with the records and is served on the petitioner.

(Ravi Krishan Kapur, J.)