

02.01.2025
Item No.27
RP/AN
Ct. No.01

WPA(P) 447 of 2024

**Samir Nayban & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Akashdeep Mukherjee
....For Petitioners
Mr. Sayan Chattopadhyay
Mr. Hasanur Zaman Molla
....for Respondent No.7
Ms. Sujata Mukherjee
....for State

1. By filing this public interest litigation the petitioners allege that the private respondent has swindled the government funds and has not effected the requisite construction work awarded to her.
2. Learned advocate appearing for the private respondent no.7 submitted that the work allotted to the respondent no.7 was for supply of materials, which he has already done, and not for putting up any construction or development work.
3. Interestingly, the respondent no.5, who is the Pradhan of the Baburmohal Gram Panchayat, is before this Court, virtually supports the case of the petitioners and it appears that after he was elected as Pradhan he has addressed the Block Development Officer and Executive Officer, Baburmahal Gram Panchayat on 21.08.2023 stating that erstwhile

Pradhan has committed certain defalcation of Panchayat's fund. If that be so, it will be well open to the respondent no.5/ the present Pradhan of the Baburmahal Gram Panchayat, to pursue the matter before the authorities as he is the elected leader of the Baburmahal Gram Panchayat and he will have the access to all documents which the petitioners will not have, though in the said writ petition several documents have been annexed and when the Court enquired the learned advocate for the petitioners as to how the petitioners have got access to those documents the answer given is that it is available in the public domain. We are not convinced with the said answer because certain documents are internal documents such as master roll which document is maintained by the Department of Rural Development, Ministry of Rural Development, Government of India. Therefore, we dispose of the writ petition leaving it open to the respondent no.5 to pursue his complaint lodged on 21.08.2023 to the respondent no.3 and it is for the respondent no.3 to enquire into the matter and take a decision on merits and in accordance with law.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)

