

25.02.2026
Item No.03.
Ct. No.15
Suman

WPA 28045 of 2024

Faukul Alam
-Vs-
The State of West Bengal and Ors.

Mr. Robiul Islam
Mr. M. Rahman
..for the petitioner

Mr. Ziaul Islam
Ms. Jahanara Begam
..for the State

It is the grievance of the petitioner that he duly and successfully executed the work order for the construction of a “Suswasthya Kendra” at Domadi S.C., Khairamari Gram Panchayat, under the Jalangi Development Block, Murshidabad.

The total value of the said work order was Rs. 29,22,825/-. By referring to page 11 of the writ petition, the petitioner submits that the work was completed in accordance with the terms and conditions of the work order. It is further alleged that only part payment has been made to him.

Learned advocate appearing on behalf of the State has, however, filed a report before this Court. From the said report, it appears that a six-member Committee was constituted, comprising the concerned Chief Medical Officer of Health, representatives of the Block Development Officer,

an Assistant Engineer of the National Health Mission, and a Sub-Assistant Engineer of the National Health Mission. The Committee identified as many as 24 deficiencies/deviations in the execution of the work by the petitioner. The report of the Committee has been annexed to the report filed by the State before this Court.

On the basis of such inspection, it was decided that a sum of Rs. 7,24,678/- would be deducted from the amount allegedly due to the petitioner.

Learned advocate appearing for the petitioner disputes the findings contained in the Committee's report. It is submitted that the work order was issued by the Block Development Officer and that a completion certificate was also issued upon execution of the work. The newly constructed "Suswasthya Kendra" was thereafter handed over to the Block Medical Health Officer. It is, therefore, contended that at this stage the authorities are not entitled to deduct any amount from the petitioner's dues.

In my view, since as many as 24 deficiencies/deviations have been recorded by the Committee, this Court ought not to pass any order in respect of the disputed amount. The question as to whether the work was executed free from such

deficiencies/deviations, as indicated in the report, involves disputed questions of fact which cannot be adjudicated in exercise of writ jurisdiction.

Accordingly, the writ petition is disposed of with a direction upon the respondent authorities to release the outstanding dues payable to the petitioner, after deducting a sum of Rs. 7,24,678/-, within a period of two weeks from the date of communication of this order.

The petitioner shall, however, be at liberty to institute a civil suit in respect of the disputed amount of Rs. 7,24,678/-.

With the above observations, **WPA 28045 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)