D/L.21.
November 19, 2026.
KAUSHIK

WPA No. 29609 of 2025

Subhendu Dhara
Vs.
The State of West Bengal & Ors.

Mr. Tarun Kumar Das
Mr. Pratap Kumar Yadav
Mr. Suresh Kumar Sahoo
… for the petitioners

Mr. Arka Kumar Nag
Ms. Deboleena Ghosh
… for the Serampore Municipality

Mr. Sukanta Ghosh
Mr. Arghya Chatterjee
… for the State

1. Affidavit of service, as filed, be kept with the record.
2. Assailing the report dated 22 November, 2023, the instant writ petition has been filed by the writ petitioner praying for the remaining amount payable to him in terms of the work order, amounting to Rs.7,46,090/-. It is also the case of the petitioner that, without prejudice, the sanctioned amount (a sum of Rs.4,97,240/-) has been received, but the remaining part of the total amount is still unpaid. Initially, a writ petition was moved on 5 April, 2023, in which this Hon'ble Court passed an order directing the

Chairman, Serampore Municipality, to take into consideration and decide the prayer of the petitioner seeking disbursal of its dues. In compliance with that, the authority duly issued a notice for a joint inspection, and after completing the inspection, the authority has come to a finding and issued a report dated 22 November, 2024.

3. Learned advocate appearing on behalf of the petitioner submits that, in compliance with the order passed by this Court on 5 April, 2023, the authority conducted the joint inspection, however certain objections and disputes were raised by the petitioner and disputes regarding the measurement arose. Even after receiving the impugned report dated 22 November, 2023, the petitioner filed a representation before the concerned authority, denying all the facts alleged in the report. It is further submitted that, in a contempt proceeding brought by the petitioner in connection with WPA 4 of 2023, this Hon’ble Court, by its order dated 13 February, 2025, disposed of the contempt application, with liberty to

challenge the Municipality's direction in a fresh proceeding. Thereafter, the writ petitioner filed a detailed representation for further consideration. Being aggrieved by the non-consideration of the said representation, the instant writ petition has been filed.

4. Learned advocate appearing on behalf of respondent No. 3 submits that in compliance with the order dated 5 April, 2023, the authority duly conducted the joint inspection and found certain shortfalls in the executed works. As per the proper calculation, they have filed a report indicating that out of Rs.7,46,090/-, the admissible amount of Rs.4,97,240/- was requested to be accepted. With an objection, the petitioner accepted the said amount.

5. Learned advocate appearing on behalf of the State is represented.

6. Considering the rival contentions of the parties and after appreciation of the records, this Court is of the opinion that the main challenge pertains to the actual amount due and payable as against the admitted amount granted by the municipal authority to the

petitioner. Time and again, the Hon'ble Supreme Court has repeatedly deprecated the practice of entertaining writ petitions where serious dispute of facts and complexity is involved. In view of the disputed questions of facts raised in this matter, this Court is of the opinion that such disputes can be resolved before the competent Civil Court.

7. Thus, the writ petition stands disposed of without any order as to costs.

8. However, it is made clear that if the petitioner seeks any relief before any forum, if so advised, the observations made in this instant writ petition will not influence the competent Court to entertain the plea to be taken before the appropriate forum. The competent Court will entertain the same strictly in accordance with law, as all points are to be decided in accordance with law.

(Atarup Banerjee, J.)