IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

25.11.2026
Ct No. 6
Sl. No.35
SG

W. P. A. 3198 of 2026

Sabari Datta
Vs
The State of West Bengal & Ors.

Mr. Sankhasuvra Roy,
Mr. Debopriyo Karan (through VC)
Mr. Snehasish Barman.
...for the petitioner

Mr. Abhijit Raha,
Ms. Tamanna Kar.
...for the State

1. Affidavit-of-service, as filed by the petitioner, is taken on record.

2. The petitioner, widow of late Chitta Ranjan Dutta, an enlisted contractor of Mal Municipality, has preferred the present writ petition seeking a writ of mandamus directing the respondent municipal authorities to pay her arrears of Rs.11,01,548/- along with interest at the rate of 12 per cent per annum from the date of completion of work until actual disbursement. The dues are claimed for 'Construction of Cement Concrete Drain from Shambhu Hotel to H/O- Late Md. Munna in Mahakal Para, ward no. 2 under Mal Municipality' which was executed by her husband. She also seeks a writ of certiorari directing the respondent to produce relevant records and an interim order directing payment of Rs. 11,01,548/-.

3. The case of the petitioner is that her husband was awarded the tender for the said work vide work order dated 03.10.2015. The petitioner's case is that her husband had completed the said work within the stipulated time period though no completion certificate was issued and the bill was not paid despite repeated requests made by her husband and subsequently by her. It is stated that her husband made a representation dated 08.08.2025 to the Chairman, Mal Municipality and died on 28.04.2026. By a certificate dated 02.06.2026 Mal Municipality certified the petitioner and her two daughters as the legal heirs of the deceased. The petitioner thereafter submitted representations dated 11.08.2026 and 10.09.2026, claiming the dues along with interest. No decision has been taken on these representations.

4. Learned Counsel for the respondents states that the respondents are ready and willing to consider the petitioner's representations dated 11.08.2026 and 10.09.2026.

5. Heard learned Counsel for the parties and perused the materials placed on record. Whether the work was completed in terms of the work order, whether a bill was submitted and passed and what amount, if any, is payable to the petitioner, have to be ascertained from the records of the municipality. No completion certificate, measurement record or passed bill is on record before

this Court and the respondents have not filed any affidavit. In these circumstances, this Court is not inclined to direct payment straightway. At the same time, claim of the legal heir of the deceased contractor cannot be left undecided indifferently.

6. Accordingly, the respondent No. 8 (Sub-Divisional Officer (SDO)), is directed to consider and decide petitioner's representations dated 08.08.2025, 11.08.2026 and 10.09.2026. Before taking decision, he shall verify the relevant records of the municipality relating to the work order dated 03.10.2015, including the execution and completion of the work, the measurement records, any bill submitted and payment made, if any. The decision shall be taken after giving an opportunity of hearing to the petitioner or her authorized representative by passing a reasoned and speaking order within a period of eight weeks from the date of communication of this order. The reasoned order shall be communicated to the petitioner within one week thereafter.

7. It is made clear that this Court has not gone into the merits of the petitioner's claim. All issues are kept open to be decided by respondent no. 8 in accordance with law.

8. With the above directions, the present writ petition is disposed of.

9. Since no affidavit is called for, allegations made in the petition are deemed to have been denied.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)