
(2018) 01 CAL CK 0161
In the Calcutta High Court
Case No : 11307 (W) of 2017

Biswas & Sons

APPELLANT

Vs

The State of West Bengal & Ors.

RESPONDENT

Date of Decision : 25-01-2018

Acts Referred:

Citation : (2018) 01 CAL CK 0161

Hon'ble Judges : Debasish Kar Gupta

Bench : Single Bench

Advocate : Rabilal Maitra, Robiul Islam, Rajitlal Maitra, Probal Sarkar, ?Susanta Pal

Final Decision : Disposed oFF

Judgement

1. This writ petition is filed by the petitioner for issuing a writ in the nature of mandamus against the Murshidabad Municipality for releasing his payment due and payable to the petitioner for completion of the work of improvement of road by cement concrete with guard wall and toilet/latrine in the area lying and situated within the respondent Municipality.
2. The bills raised by the petitioner in this respect have been duly certified by the Sub- Assistant Engineer of the respondent Municipality. Those bills have been annexed to this writ petition being Annexure - P/2 at pages 26 to 29 to this writ petition.
3. The amount which is due and payable to the petitioner has not been disputed by the learned Advocate appearing on behalf of the respondent Municipality. It is submitted by him that the payment could not be made in favour of the petitioner due to shortage of funds. It is also submitted by him that by a communication issued under Memo No. 714/M.M. dated June 20, 2017, the respondent no.5 wrote a letter to the State Government to provide funds for payment of the above dues. According to him, the State Government asked for furnishing hard copies of the relevant documents for consideration of the above prayer.

4. Let the true copies of the above communication and the communication made by the Joint Secretary to the Government of West Bengal, Urban Development and Municipal Affairs Department be kept on record.
5. Having heard the learned Advocate appearing on behalf of the respective parties as also after considering the facts and circumstances of this case, I find that the amount involved in the claim of the petitioner is not disputed. Therefore, a writ court can entertain such a writ petition.
6. In view of the above, I direct the respondent Municipality to release the aforesaid arrears amount in favour of the petitioner within a period of three months together with interest at the prevailing highest rate payable by a Nationalized Bank on a fixed deposit from the date of submitting those bills till the date of actual release of the above amount in favour of the petitioner.
7. The competent authority of the State Government is also directed to render its cooperation to the respondent Municipality for releasing the aforesaid funds in favour of the petitioner provided the hard copies of the relevant documents are furnished to them forthwith, if the same have not already been furnished to the State Government.
8. Accordingly, this writ petition stands disposed of.
9. There will be, however, no order as to costs.
10. Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.