

(2018) 02 MEG CK 0001
In the Meghalaya High Court
Case No : 404 of 2016

Smti Martha Phawa & Ors.

APPELLANT

Vs

The State of Meghalaya & Ors.

RESPONDENT

Date of Decision : 16-02-2018

Acts Referred:

Citation : (2018) 02 MEG CK 0001

Hon'ble Judges : S.R.Sen

Bench : Single Bench

Advocate : S.Dey, H.Abraham, H.S. Thangkhiew, Philemon. Nongbri

Judgement

1. Heard Mr. S.Dey, learned counsel on behalf of the petitioner, Mr. H.Abraham, learned counsel on behalf of the respondents No. 1 - 4 and Mr.

H.S.Thangkhiew, learned Sr. counsel assisted by Mr. Philemon Nongbri, learned counsel on behalf of the respondent No. 5.

2. The petitioner's case in a nutshell is that:

The Petitioners above named are the citizens of India and a permanent resident of Mihmyntdu, West Jaintia Hills District, Meghalaya and as such

they are entitled to all the rights and privileges guaranteed under the Constitution of India and the Laws framed there-under.

The Respondent No. 5 vide letter dated 3rd December 2012 proposed and submitted the list of beneficiaries of 300 numbers @ Rs. 10,000/-

each for renovation of House/ Agricultural field and providing additional funds for different economic activities for the poorer section of the

constituency. It is to mention herein that as per the said list the Petitioner's name were reflected in the Serial No. 12, 228, 230 and 233

respectively along with others, the total number of 300 beneficiaries name were

submitted to the Respondent No. 3 by the Local MLA of 7-Jowai Constituency, West Jaintia Hills District, Meghalaya.

As per the proposal of the Local MLA (Respondent No. 5), the name of the 300 beneficiaries were approved by the approving authority and the

list of the same was notified in the Officer of the Respondent No. 4, the names of the Petitioners were also reflected as per the proposal of their

Local MLA Respondent No. 5 and the amount of money which was sanction per beneficiaries was Rs. 10,000/- only. As per the said list the

name and address of the Beneficiaries including the amount to be paid was notified, the Petitioners were expecting that as per the said list the

Respondent No 4 will release the said amount for renovating the House of the Petitioners.

The Petitioners being uneducated approached after they find out that their name are also included in the name of the Beneficiaries for renovation of

House/ Agricultural field and providing additional fund for different economic activities for the poorer section of the constituency, the Petitioners

approached the Respondent No. 4 and requested the said authority to release the said amount to them so that they can utilise the same for the

purpose of renovating their respective house, however the said Respondent till date did not pay the said amount to the Petitioners for the best

reasons known to the said Respondents.

Some of the beneficiaries, the amount of Rs. 10,000/- only vide cheque was issued on 09.04.2013 from the Block Development Office,

Thadlaskein Block on account of 1st/2nd/3rd/4th Advance/ Final Payment for the construction of low cost house under SRWP 2012-13.

However in number of occasions the Petitioner also approached the Respondent No 4 for releasing the said amount since their names are also

proposed and was notified, but without any valid reasons the said Respondent did not release the said amount to the Petitioners, the said act and

action of the Respondent No. 4 was illegal and unconstitutional and moreover the said leads to violation of the fundamental rights of the Petitioners.

The Respondents authorities have released the said amount to others beneficiaries however in the case of the Petitioners the Respondents

authorities have been delaying to release the same without any cogent and reasonable reasons even after their name were included in the said

beneficiaries list even after repeated request as such the indifference attitude of the Respondents towards the Petitioners are highly illegal and

discriminatory which warrant immediate interference of this Hon"ble Court. Hence this Petition.

3. Mr. S.Dey, learned counsel for the petitioner submits before this Court that the petitioners applied for Rs. 10,000/- under the scheme called

SRWP. Ultimately, they were selected and their names appeared in the beneficiaries list, but unfortunately, the Block Development Officer refused

to pay the amount on the ground that the scheme has been recasted.

4. Mr. H.S.Thangkhiew, learned Sr. counsel for the respondent No. 5 fairly and straightforwardly submits that respondent No. 5 has nothing to do

with this case and was unnecessarily made a party.

5. Mr. H.Abraham, learned State counsel for the respondents No. 1 to 4 submits that payment could not be made to the petitioners because they

did not turn up to collect the money and as a result it was recasted.

6. After hearing the submissions advanced by the learned counsels for the parties, I agree that the respondent No. 5 has nothing to do with the

issue involved in this case. However, the fact remains that since the petitioners has applied for the welfare scheme and they were selected and their

names even appeared in the beneficiaries list, in my view, I do not see why they should not be given that benefit even if they did not collect the

money on time. Therefore, the Block Development Officer concerned is directed to make payment to the petitioners as per rule.

7. With this observation and direction, the instant petitioner is allowed to that extend and stands disposed of.