

07.09.2022  
Sl. No.31(SL)  
srm

**W.P.A. No. 13204 of 2021**

**Bablu Gayen**

**Vs.**

**Union of India & ors.**

Mr. Nirmalya Kumar Das

....for the Petitioner.

Mr. Raja Saha,

Mr. Biswabrata Basu Mullick

.....for the State-respondents.

Mr. Goutam Sardar

...for the Union of India.

Affidavit-of-service is taken on record.

The petitioner has challenged the exclusion of his name from the list of eligible candidates, who were treated to be beneficiaries under the Pradhan Mantri Awas Yojna.

The Block Development Officer, Mandir Bazar Development Block had been intimated by the Pradhan of Jagadishpur Gram Panchayat, District- South 24-Parganas that the petitioner was already a beneficiary under the Indira Awas Yojna (IAY). His name appeared at serial No.62 of the concerned list of beneficiaries under the Indira Awas Yojna. Thus, as per the government policy, a person could not be beneficiary of two similar government housing schemes.

Under such circumstances, the Court does not find any illegality in the exclusion of the name of the petitioner, if the petitioner was a beneficiary under the Indira Awas Yojna and had received the instalments under the said scheme for construction of his dwelling house.

The confusion has been created by a letter dated March 15, 2021 issued by the Pradhan of Jagadishpur Gram Panchayat and endorsed by the Executive Assistant of the said gram panchayat, to the effect that the records with regard to the disbursement of the funds in respect of the Indira Awas Yojna to the petitioner could not be traced out, in the panchayat office. Most of the records were damaged by termites. However, the panchayat authorities had decided to make a fresh enquiry with regard to the living condition of the petitioner. It was observed that the petitioner was a poor man and actually required a dwelling house.

Under such circumstances, this Court finds that the matter requires a deeper probe by the Block Development Officer, Mandir Bazar Development Block, in order to ascertain as to whether the petitioner had actually received any money under IAY or not. Such enquiry shall be made upon an inspection of the house of the petitioner, the records of the block office, panchayat office, the bank

statements of the panchayat and the petitioner and also upon making a local enquiry and upon obtaining statements of the local persons. If it is found that the money had been disbursed under the Indira Awas Yojna but was not utilized, the petitioner shall not be granted any relief under the PMAY. However, if it is found that even though the petitioner was listed as a beneficiary under the Indira Awas Yojna, but no disbursement of money was made, then necessary orders shall be passed by the concerned Block Development Officer with regard to the petitioner's claim for being enlisted as a beneficiary under the PMAY scheme.

The inspection shall be held in presence of the petitioner, Pradhan of Jagadishpur Gram Panchayat and the Executive Assistant of the said gram panchayat, who had endorsed the letter of the Pradhan dated March 15, 2021.

A reasoned order shall be passed and communicated to all concerned, including the petitioner.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

The petitioner is directed to serve a copy of the writ petition along with a server copy of this order upon the

Block Development Officer, Mandir Bazar Development  
Block, for necessary compliance.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of  
this order.

**(Shampa Sarkar, J.)**