

09.09.2022
Court No. 19
Item no.2(DL)
CP

W.P.A. No. 20325 of 2022
M/s. Anupriya Agro Industry & anr.
Vs.
The State of West Bengal & Ors.

Mr. Pritam Choudhury
Mrs. Priti Banerjee
Mr. Abhisek Addhya

....for the petitioners.

Mr. Jahar Dutta
Mr. Bipin Ghosh

...for the State.

The petitioner no. 2 alleges that a small scale manufacturing unit had been established by the petitioners under the Prime Minister's Employment Generation Programme (PMEGP). The petitioner no. 2 is the sole proprietor. The road maintained by the Zilla Parishad is not usable and inundated most of the time, due to stagnation of the dirty water. Access to the factory premises is impossible. The petitioner no. 2 is not being able to run the unit due to such bad road condition. The unit is the only source of livelihood of the petitioner no. 2.

The monitoring authority is the West Bengal Khadi & Village Industries Board (hereinafter referred to as the 'Board'). The Board approached the District Magistrate with a request for construction of a metal road/bitumen road so that the factory premises

could be utilized to its optimum capacity. The District Magistrate, Murshidabad referred the matter to the Additional District Magistrate (Development), Murshidabad. Inspection was made, estimates were prepared.

The said demand for such road is in village Jamuar. The Block Development Officer, Raghunathganj-I, Murshidabad prepared an estimate and sent the same to the District Engineer, Murshidabad Zilla Parishad, for vetting. The proposal was vetted and estimate was prepared. However, ultimately the Block Development Officer intimated the Additional District Magistrate (Development) Murshidabad, by a letter dated March 15, 2022 that although, after field inspection an estimate was prepared and duly vetted, but due to non-availability of the funds, construction of the road cannot be undertaken. Aggrieved, the petitioner has approached this court.

Prima facie, it appears to the court that the demand for the road is a genuine demand, or else the Additional District Magistrate (Development), Murshidabad would not have taken the initiative by asking the Block Development Officer, Raghunathganj-I to cause a field inspection and take necessary action for construction of the road.

It also appears that sufficient progress was made. Field inspection was held. The estimate was prepared and vetted.

Under such circumstances, the petitioner no. 2 is directed to approach the District Magistrate, Murshidabad for necessary intervention and action, so that the execution of the project can be done in accordance with law, as per the relevant rules/manual or terms and conditions of the conduct of the business of the competent authority.

If such representation is filed, the same shall be disposed of within a period of three months from the date of communication of this order. The allegation of the petitioners as contained in the writ petition, shall be considered by the District Magistrate, Murshidabad.

A copy of the writ petition along with a server copy of this order be served upon the District Magistrate, Murshidabad for necessary action.

A reasoned order shall be passed and communicated to the petitioners.

The court has not gone into the merits of the claims and the issues involved, shall be decided independently.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)