

02
03.01.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 27503 of 2023

**Biswajit Pramanik
-versus
The State of West Bengal & Ors.**

**Mr. Soumen Datta,
Mr. Partha Sarathi Basu.
...For the Petitioner.**

**Mr. Sandipan Banerjee,
Mr. Sobhan Majumder.
...For DMC.**

**Mr. Dilip Kumar Sinha.
...For the Respondent Nos. 8 & 9.**

**Mr. Amal Kumar Sen, Ld.AGP,
Ms. Sahina Sumi.
...For the State.**

From the documents produced before this Court by the learned advocate appearing for the State respondents, it cannot be ascertained as to whether the inspection conducted by the Block Development Officer, Sutahata Development Block at the instance of the Sub-Divisional Officer, was upon notice to the parties.

In view of the same, the inspection report and the order impugned is set aside.

The Block Development Officer, Sutahata Development Block is directed to conduct fresh inspection upon notice to both the parties in terms of the direction passed by the Sub-Divisional Officer,

Haldia on 31st May, 2023 annexed at page 147 of the writ petition.

The inspection shall be conducted at the earliest, but positively within a period of four weeks from the date of communication of this order.

The spot inspection report shall be circulated amongst the parties and an opportunity of hearing shall be granted to all the necessary parties prior to passing the final order by the Sub-Divisional Officer, Haldia.

The report of the Block Development Officer, Sutamata Development Block shall be forwarded to the Sub-Divisional Officer, Haldia for taking consequential steps.

It is made clear that the inspection report and the order passed relying upon the said inspection report is set aside only because there is no proof to show that the said inspection was conducted upon prior intimation to the parties. The Court not being satisfied that principle of natural justice was complied with at the time of inspection has set aside the inspection report and the order passed consequent thereto.

The issue will be decided only from the stage of the inspection by the Block Development Officer, Sutamata Development Block as per the instruction of the Sub-Divisional Officer, Haldia. Steps taken prior to passing direction for conducting inspection, is not interfered with by the Court.

The proceeding by the Sub-Divisional Officer is not required to be started de novo. The same will start only from the stage of causing the physical inspection.

The Sub-Divisional Officer, Haldia shall endeavour to conclude the proceeding at the earliest, but positively within a period of twelve weeks from the date of inspection.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)