

13.03.2025
Sl. No. 26
g.b.
Court No.02

W.P.A. 5062 of 2025

Azmal Haque Ansari @ Khoka Ansari & Ors.

-Vs-

The State of W. B. & Ors.

Mr. Rabindra Nath Bag, Sr. Advocate

Mr. Soumyadeep Biswas

Sk. Md. Wasim Akram

.....For the Petitioners

Mr. Chandi Charan De, Ld. AGP

Mr. Anirban Sarkar

.....For the State

Mr. Salauddin Ahamed

Mr. Sandipan Maity

.....For the Respondent No.9

Affidavit of service filed in court today is taken on record.

Mr. Rabindra Nath Bag, learned senior advocate appears for the petitioners.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the respondent nos. 1 to 8.

Mr. Sandipan Maity, learned advocate appears for the respondent no. 9.

Referring to the previous order of this court dated October 1, 2024, Annexure 'P-3' at page 21 to the writ petition, learned senior counsel Mr. Rabindra Nath Bag submits that following the direction of the said order the petitioners had

participated before the respondent no.5 in the hearing but till date petitioners have no knowledge whether any reasoned order has been passed or not as no reasoned order has been served upon the petitioners. The learned senior counsel then refers to the notices issued under **Sub-Section 1 to Section 10 of the West Bengal Highways Act, 1964**, Annexure 'P-6' at pages 31 to 39 to the writ petition.

Learned senior counsel submits that all these impugned notices were issued in clear breach and violation of the direction of this court dated October 1, 2024.

Mr. Chandi Charan De, learned Additional Government Pleader appearing for the State has not been able to produce any communication of proof of service of the reasoned order upon the petitioners.

Mr. Sandipan Maity, learned advocate appearing for the respondent no.9 submits that encroachment has already been found from the report of the Block Land and Land Reforms

Officer. Therefore, the law demands that such encroachment should be removed forthwith.

After considering the rival contentions of the parties and after perusal of the materials on record it appears to this court that no evidence has been produced before this court today wherefrom it can be established that the reasoned order in respect of the hearing where petitioners have attended was communication to the petitioners. Without communication of this reasoned order the said impugned notices all dated February 21, 2025, Annexure 'P-6' at pages 31 to 39 to the writ petition, were issued.

This court is of the firm view that there is clear breach of the direction of this court dated October 1, 2024 and breach of natural justice.

In view of the above, the respondent no.5 is directed to communicate the reasoned order to the petitioners positively within a period of two weeks from the date of communication of this order.

On and from the date of communication of the said reasoned order to the petitioners the rest

of the time period as mentioned in the order dated October 1, 2024 shall start running. It is clarified that the time period mentioned in the order dated October 1, 2024 shall reckon **from the date of communication of the reasoned order to the petitioners** for all the subsequent steps.

Accordingly, the impugned notices all dated February 21, 2024, Annexure 'P-6' at pages 31 to 39 to the writ petition, stands **set aside** and **quashed**.

It is made clear that this court has not gone into the merits of the rival contentions of the parties and the parties shall be at liberty to take their points at the appropriate stage in accordance with law.

This order shall not create any right or equity in favour of the petitioners.

Since affidavits are not called for, the allegations made in this writ petition are deemed not have been admitted by the respondents.

With the above observations and directions this writ petition **WPA 5062 of 2025** stands **disposed of**, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Aniruddha Roy, J.)