

Court No. 2

11.3.2025

(Item No. 3)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 5604 of 2025

Sri Sabir Ali alias Sk. Sabir Ali
VS
The State of West Bengal & Ors.

Mr. Debrup Chowdhury
Mr. Syed Murshid Alam
Mr. Subrata Ghosh
Md. Sahin Khan
Ms. Amrita Sen
Mr. Nobiul Islam
.... For the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Srinath Singha Ray
.... For the State

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

The petitioner has challenged an impugned notice dated **March 5, 2025, annexure P-2** at **page 22** to the writ petition issued by the respondent no. 2. At the threshold Mr. Soumitra Bandyopadhyay, learned senior State counsel raised an objection on the plea that the notice was not issued in the name of the petitioner but in the name of private respondent no. 5, therefore, the petitioner has no right to challenge this notice.

On perusal of the said impugned notice at **page 22** to the writ petition this Court finds the negligence of the issuing authority could travel how

far. The most relevant part of the notice has been kept blank. The notice was issued for restoration of land alleging that an illegal conversion of character of land had taken place but the notice does not mention the nature and particular of the change of character of the land. The relevant portion kept blank.

This is a clear mechanical and arbitrary exercise of power on the part of the issuing authority i.e. the respondent no. 2.

In view of the above, this Court is of the firm view that, this impugned notice dated **March 5, 2025, annexure P-2** at **page 22** to the writ petition cannot sustain in the eye of law and accordingly, the same stands **set aside** and **quashed** at the threshold.

However, the jurisdictional authority shall be at liberty to issue fresh notice in accordance with law.

It is made clear that, the point raised by Mr. Soumitra Bandyopadhyay, learned senior State counsel has not been decided herein and the Court has not gone into the merits of the rival contentions of the parties in this writ petition.

This order shall be taken as a caution by the issuing authority so that henceforth such mechanical approach shall not be adopted in issuing such an incomplete and vague notice.

This writ petition, **WPA 5604 of 2025** stands **disposed of**, without any order as to costs on the above terms only and not on merit.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)