

**In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side**

The Hon'ble Justice Sabyasachi Bhattacharyya

And

The Hon'ble Justice Supratim Bhattacharya

MAT 1596 of 2025

with

CAN 1 of 2025

DINABANDHU DAS BAIRAGYA

VS.

THE STATE OF WEST BENGAL & ORS.

For the appellant : Ms. Pampa Dey (Dhabal)
Mr. Biswarup Chatterjee

For the respondents : Mr. Sk. Md. Galib, Sr. Govt. Advocate
Ms. Munmun Ganguly

For the respondent no.4: Mr. Sanjay Saha

Heard on : 22.12.2025

Judgment on : 22.12.2025

Sabyasachi Bhattacharyya, J.:-

1. Mr. Biswarup Chatterjee, learned counsel appearing for the appellant along with his senior Ms. Dey (Dhabal), submits that the present appeal has been preferred on a short conspectus of the matter.
2. The learned Single Judge, while dismissing the writ petition of the present appellant by way of the impugned order, made caustic remarks as to suppression of material facts by the appellant/petitioner by relying on purported documents which were furnished before the writ court by the respondent no.7-authority and

respondent no.4 authority by way of reports prepared by the said authorities.

3. It is categorically alleged in the memorandum of appeal and submitted by learned counsel Mr. Chatterjee that no copies of such reports were ever handed over to the writ petitioner / present appellant.
4. It is further submitted that the learned Single Judge himself was pleased to direct previously that the respondent / State and the respondent no.4 authority would submit their report within two weeks from July 31, 2025 and exceptions thereto, if any, would be filed within one week thereafter. However, in view of no copies of the said reports having ever been served upon the writ petitioner / appellant, the opportunity of filing exception thereto became illusory.
5. Learned Senior Government Advocate appearing for the State, in his usual fairness, does not dispute the appellant's contention that copies of the reports were not served on the writ petitioner/appellant.
6. Since the learned Single Judge relied almost solely on the annexures and contents of the said reports to castigate the appellant and dismiss his writ petition on the ground of suppression, we are of the opinion, upon hearing learned counsel for the parties before us, that an opportunity of controverting the contents of the reports and their annexures was necessarily to be given to the appellant prior to disposal of the writ petition. We observe so all the more because of

the previous direction by the learned Single Judge himself granting opportunity to the writ petitioner/appellant to use exceptions to the reports, which opportunity never materialized due to non-service of copies thereof on the appellant.

- 7.** In such view of the matter, MAT 1596 of 2025 is allowed on contest, thereby setting aside the impugned order dated September 8, 2025 passed in WPA 20934 of 2024 and remanding the matter to the learned Single Judge for the purpose of re-adjudicating the writ petition on merits, upon ensuring that copies of the reports and other materials relied on by the respondents are served in advance on the writ petitioner/appellant and an opportunity of filing exceptions thereto be given to the writ petitioner before disposing of the writ petition afresh on merits. For the purpose of filing such exceptions, at least a fortnight's time ought to be given to the writ petitioner/appellant.
- 8.** It is made clear that the merits of the matter have not been entered into by us and the learned writ court will be at complete liberty to decide the matter afresh without, however, being prejudiced on merits by any of the observations made in the impugned order dated September 8, 2025, upon giving such opportunity to file exceptions to the writ petitioner/appellant as well as fresh opportunity of hearing to both the parties.

9. MAT 1596 of 2025 stands disposed of in the light of the above observations. Consequentially, CAN 1 of 2025 also stands disposed of.
10. There will be no order as to costs.
11. All parties shall act on the basis of server copy of this judgment, duly downloaded from the official website of this Court.
12. Urgent photostat certified copies of this judgment, if applied for, be given to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Supratim Bhattacharya, J.)