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12.12.2025
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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 30145 of 2024

With

CAN 1 of 2025

And

CAN 2 of 2025

Swarup Sarkar

Versus

The State of West Bengal & Ors.

Mr. Krishnendu Sarkar

Mr. Anirban Mitra

Mr. Amit Halder

Mr. Amit Roy

... For petitioner.

Mr. Srijan Nayak

Mrs. Rituparna Maitra

.... For the State.

Mr. Ramkrishan Bhattacharya

... For the respondent nos. 2 and 3.

Mr. Sajal Kumar Pandit

... For the respondent no.6

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

2. The present writ petition has been filed inter alia challenging the order dated 21st November, 2024 issued by the Chairman, Raghunathpur Municipality, whereby not only the work order issued in favour of the petitioner was terminated by forfeiting his earnest money but he was also blacklisted from the municipality until further orders.

3. The records would reveal that when the writ petition was moved, a Coordinate Bench of this Court

upon considering the case made out was, inter alia, pleased to pass the following directions by an order dated 18th June, 2025.

“The petitioner challenges an order dated November 21, 2024, issued by the Raghunathpur Municipality. By the said order, the work order awarded to the petitioner was terminated and he was blacklisted.

A bare perusal of the said order reveals that the petitioner has been blacklisted by the Municipality for an indefinite period. On this ground alone, the impugned blacklisting order merits an interim stay. Moreover, it appears that, while passing the said order, the Municipality did not take into consideration the petitioner’s reply dated November 6, 2024, submitted in response to the show cause notice dated October 28, 2024.

In view of the above, there shall be a stay of the order dated November 21, 2024, insofar as it relates to the blacklisting of the petitioner, for a period of six months from date.

Re: CAN 1 of 2025

By filing this application, the petitioner has challenged the action of the Raghunathpur Municipality in issuing a second tender in respect of a work order for the rejuvenation of the water body at Barik Bandh in Ward No. 13. The scope of the project includes construction of a pathway

surrounding the water body, removal of soil, cleaning of water hyacinth, debris, and mud from the water body, along with operation and maintenance for a period of five years.

The petitioner contends that the second tender was issued during the pendency of this writ petition challenging the termination of the contract previously awarded to him by the Municipality in relation to the same project. He accordingly prays for a stay of the second tender.

Learned counsel appearing for the Municipality submits that, pursuant to the issuance of the second tender, a work order has been awarded to one Mr. Chandan Santikary.

In light of the above, the petitioner is directed to implead Mr. Chandan Santikary as a respondent in the present writ petition. A copy of the writ petition shall be served upon Mr. Chandan Santikary within a period of seven days from date.

The work order issued in favour of Mr. Chandan Santikary shall be subject to the final outcome of the writ petition.

The Municipality is granted liberty to file its affidavit-in-opposition to the writ petition as well as the connected application within two weeks from date. The petitioner may file a reply thereto, if any, within one week thereafter.

Let the matter appear for further consideration three weeks hence.

4. The municipality has till date not filed affidavit-in-opposition. The matter has come up under the heading “Extension of Interim Order”. Though the learned advocate representing the municipality prays for extension of time to file affidavit-in-opposition, however taking into consideration the peculiar facts and noting that the order terminating the petitioner’s work order was passed without taking into consideration the response filed by the petitioner and also without affording the petitioner an opportunity of hearing, I am of the view that the matter would require reconsideration since an order of blacklisting would invite adverse civil consequence.

5. Having regard thereto I am of the view that the order insofar as blacklisting of the petitioner is concerned which has been effected vide communication dated 21st November, 2024, issued by the Chairman, Raghunathpur Municipality cannot be sustained and the same is accordingly set aside. The matter is remanded to the Chairman, Raghunathpur Municipality for a fresh decision.

6. Since it is submitted on behalf of the petitioner that the termination as also forfeiting of earnest money was effected without hearing the petitioner, I am of the view that the petitioner shall be at liberty to make an appropriate representation, not only limited to disbursal of payment for the work already executed but forfeiture of

earnest money. The aforesaid direction is being issued since the municipality has failed to demonstrate that it had suffered any loss, however, without going into such aspect, at this stage, I am of the view that the entire issue can be decided by the municipality upon affording an opportunity of hearing to the petitioner and by passing a reasoned order within a period of four weeks from the date of communication of this order.

7. With the above observations and directions the writ petition stands disposed of along with the connected applications.

Urgent Photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)