

FORM NO. J (2)

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CIVIL APPELLATE JURISDICTION**

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 561 OF 2025

M/S. SUMAN MFG. WORKS LIMITED AND OTHERS

Vs.

THE STATE OF WEST BENGAL AND OTHERS

FOR THE APPELALNT : **MR. BILLODWAL BHATTACHARJEE, SR. ADV.,
MR. AVROJYOTI DAS,
MR. RAJDEEP DAS.**

FOR THE RESPONDENT : **MR. JOYJIT CHOUDHURY, LD. AAG,
MR. SUBIR KUMAR SAHA, LD. AGP,
MS. RIMA SARKAR.**

FOR THE SJDA : **MR. ARUN ROY MUKHERJEE,
MR. DEBORSHI DHAR.**

HEARD ON : MARCH 10, 2025

JUDGMENT ON : MARCH 10, 2025

THE COURT:

1. Learned senior counsel appearing on behalf of the petitioner submits as follows. By an order dated 4th December, 2024, passed by the Coordinate Bench of this Court in WPA 1744 of 2024, it was recorded that the notice issued by the SJDA under Section 54(1) of the said West Bengal Town & Country (Planning & Development) Act, 1979 had contemplated an opportunity of hearing to the petitioner, but the same was not provided.

The following notice of the Zilla Parishad too contemplated such opportunity but before the expiry of time fixed by the said notice to respond to it, the Building Plan of the said Project was revoked by the impugned notice dated 28th June, 2024. Such action being in flagrant violation of the principles of natural Justice, was not sustainable. Accordingly, the said notice bearing memo no. 2051(3)/G dated 28th June, 2024 was set aside. The Additional District Magistrate/the Additional Executive Officer of the Jalpaiguri Zilla Parishad was directed to fix a further date for disposal of the show cause notice bearing memo no. 2028(3)/G dated 27th June, 2024 and to dispose of the same expeditiously, in accordance with law. Pursuant to this, the petitioner went to the concerned authority. No time was given more than a day to appear and argue the case. For abundant caution, the petitioners emailed their written notes of submissions in advance. A learned advocate was sent with a physical copy of the written notes of submissions to the concerned authority. But, the officer threw him out rather unceremoniously saying that he had no authority to represent the petitioner. Even when the learned counsel representing the petitioner came for having the matter heard, the attitude of the Additional District Magistrate was absolutely discourteous. In fact, in the midst of hearing, they were asked to sit outside so that he could attend to some “urgent” work. When they came back, the same behaviour continued as would be reflected from the impugned order, none of the petitioners’ contentions had been considered. Reliance was placed on the memo, which had been quashed by the High Court. Although all the interested parties were directed to be heard and in fact, the petitioner insisted upon so, yet no other party was heard except for the petitioner. In fact, the concerned officer said that he had a personal talk with the SJDA in this regard. It is absolutely clear that when the petitioners were present at the hearing, no one from the SJDA

had represented their side. The impugned order is absolutely cryptic and arbitrary and is in clear violation of the order passed by this Court.

2. Learned Additional Advocate General, representing the respondent-authority excepting SJDA, denies the allegations and submits as follows. As would appear from the recording in the impugned order on 28th January, 2025, the SJDA was heard. Although the order seems to be a little cryptic, the relevant points were considered by the authority.
3. The SJDA is represented.
4. The order portion is not just cryptic, but the order is also devoid of proper reasoning. It does not even take into consideration of the points taken up by the petitioners, whether in the written notes or otherwise.
5. It is also quite abundantly clear that this proceeding violated the principles of natural Justice so far as affording proper opportunity of hearing to the petitioners is concerned.
6. The Additional District Magistrate even had the impudence of apparently “disposing of” the order passed by the Coordinate Bench of this Court (Justice Biswajit Basu) and mentioning the said order passed by this Court surprisingly as under quotes.
7. With such overbearing demeanor, one wonders what kind of treatment must have been meted out to the learned advocates. In fact, they are alleging so now.
8. In view of the above discussions, the impugned order passed by the said Officer is set aside.
9. The matter is remanded back to the concerned authority to pass a reasoned order afresh after hearing all the parties in terms of the earlier order passed by this Court and as expeditiously as possible, positively within four weeks from date of communication of this order.
10. The question of alleged discourteous behavior and biasness of the concerned officer has not been fully gone into at this stage, except for the

limited purpose of deciding whether the impugned order was sustainable or not.

11. With these observations and directions, this writ petition being WPA 561 of 2025 is disposed of.
12. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(JAY SENGUPTA, J)