

SL. 61
12.03.2026
Court No.19
BP

WPA 1458 of 2026

Bikram Sarkar
-versus-
The State of West Bengal and others

Mr. Sanjib Kumar Mal
Ms. Gitashree Mistry
..for the petitioner

Mr. Biplab Guha
Mr. Arkadipta Sengupta
..for the State

Mr. Sanjay Saha
Mr. Raju Mondal
..for the added respondent

The petitioner has challenged the orders of the Additional District Magistrate and District Land and Land Reforms Officer, Purba Bardhaman both dated 3rd December, 2025 thereby blocking the portal for issuance of road e-challan as well as imposing a penalty of Rs. 1,00,000/- for each of the vehicles. The petitioner claims to be the registered owner of two vehicles which were used for the purpose of transportation of sand. While the vehicles of the petitioner were transporting sand, the same were intercepted by the Checking Officer on 26th November, 2025. The impugned orders both dated 3rd December, 2025 were passed blocking the portal for issuance of road e-challan and for imposing penalty.

On a bare perusal of the said order it appears that the portal was blocked and the penalty was imposed on

the ground that the vehicle was carrying sand/riverbed materials without valid e-challans.

The learned advocate appearing for the petitioner submits that the vehicles were transporting sand under valid road e-challans but the validity period of the said challans stood expired as the vehicles would not reach the destination within stipulated time on account of break down of the said vehicles.

Mr. Mal, learned advocate appearing for the petitioner submits that the penalty was imposed upon the petitioner without giving any opportunity to the petitioner. He further submits that though the petitioner submitted a representation before the Additional District Magistrate, Purba Bardhaman for exemption from the penalty imposed upon the petitioner and to lift the blocking of the portal to enable the petitioner to transport sand by the said vehicles, no decision on such representation has been communicated to the petitioner. He places reliance upon an order dated 12th September, 2025 passed by a Co-ordinate Bench in WPA 8917 of 2025 in the case of Shri Jahir Ahmed Khan @ Johir Khan & Anr. Vs. The State of West Bengal & Ors. in support of his contention that under similar circumstances the Co-ordinate Bench was pleased to quash the order of penalty.

Mr. Saha, learned advocate appearing for the Corporation submits that the vehicles cannot be allowed to transport sand after the expiry of the validity period. He

further submits that it was well open to the petitioner and/or his men and agents to approach the District authorities at the relevant point of time citing the reasons for which the vehicles could not reach the destination within the validity period with a prayer for extension of the validity period of the said challans. He submits that no reasons have been assigned by the petitioner as to what prevented the petitioner from approaching the authorities for extension of the validity period of e-challans.

Heard Mr. Sengupta, learned advocate for the State.

After going through the orders both dated 3rd December, 2025 passed by the Additional District Magistrate and District Land and Land Reforms Officer, Purba Bardhaman it appears to this Court that the same is absolutely a non-speaking order. No opportunity was afforded to the petitioner prior to imposing penalty. There may be cases where the vehicles may not reach the place of destination within the validity period of e-road challan for reasons beyond the control of the petitioner. It is for the authorities to consider the facts of each case and take a decision on such factual issues. Such a factual dispute cannot be decided by a writ court.

This Court finds that on more or less identical fact situation, the Co-ordinate Bench in the case of Shri Jahir Ahmed Khan @ Johir Khan (supra) quashed more or less

identical orders on the ground that the same has been passed in violation of the principles of natural justice.

After going through the materials on record this Court is of the considered view that the principles of natural justice has been grossly violated in the case on hand.

Though Mr. Saha, learned advocate appearing for the Corporation submits that an appellate remedy has been provided under the relevant rules but since this Court has already observed that there has been a violation of the principles of natural justice this Court is not inclined to relegate the petitioner to the alternative forum, as argued by Mr. Saha.

For such reason, this Court is inclined to entertain this writ petition and grant reliefs in favour of the petitioner.

Accordingly the portion of the orders dated 3rd December, 2025 whereby fine and penalty to the tune of Rs. 1,00,000/- for each of the vehicles has been imposed upon the petitioner stand quashed. The blocking of e-challan generation facility through the portal as imposed by the orders dated 3rd December, 2025 would remain as its present status till a period of three weeks from the receipt of a server copy of this order and shall be subject to the future decision of the authorities. Within the aforesaid period of three weeks, Additional District Magistrate and District Land and Land Reforms Officer,

Purba Bardhaman shall consider the representation of the petitioner dated 12th December, 2025 insofar as it pertains to the petitioner's prayer for unblocking the portal of the petitioner for issuance of road e-challan is concerned and such authority shall revisit the earlier decision to block the portal for issuance of e-road challan and shall pass a reasoned order strictly in accordance with law after affording an opportunity of hearing to the petitioner or his authorized representative.

It is, however, made clear that it will be open to the said authority to call for any materials from the petitioner in support of the petitioner's claim and the petitioner will also be entitled to place reliance upon any documents in support of their claim for lifting of the blocking of the portal for generation of road e-challan.

If the respondent authority is in favour of allowing unblocking of the portal for issuance of road e-challan, necessary consequential directions therefor shall be issued by the Additional District Magistrate forthwith. If the Additional District Magistrate is not satisfied with the claim made by the petitioner in the said representation, it will be open to the Additional District Magistrate to pass orders in accordance with law.

It is, however, made clear that the order imposing penalty has been set aside only on the ground of violation of the principles of natural justice and the said authority shall be free to decide all issues afresh after affording an

opportunity of hearing to the petitioner or his authorized representative. The said respondent shall communicate the order within a period of three days from passing of the said order.

With the above observations, WPA 1458 of 2026 stands disposed of.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)