

01.07.2026
Item No.05
Ct. No. 19
RP

WPA/13814/2026
BRAJAMOHAN MISHRA
VS
STATE OF WEST BENGAL AND ORS.

Mr. Sabyasachi Hazra
... For the Petitioner
Mr. Nilanjan Bhattacharya, Sr. Standing Counsel
Ms. Jayita Dhar Chakraborty
Mr. Saikat Dey
... For State

1. Affidavit-of-service filed today is taken on record.
2. The petitioner has preferred the present writ petition challenging the notice dated 09.04.2026 issued by the Assistant Engineer, Panskura, Irrigation and Waterways Department, Block No. I, Panskura, Purba Medinipur directing the petitioner to demolish an unauthorized structure situated at LR Dag No. 363, Mouza Kola, JL No. 287, District Purba Medinipur within 14 days, failing which the department will take appropriate action for demolition of the said structure.
3. It is the case of the petitioner that he is the owner of the above mentioned

property since 2006. He contended that he had purchased the said property from Mr. Arabinda De whose name is recorded as Raiyat in the Porcha of the revenue department. He further states that the present demolition notice has been issued to him without granting him any personal hearing or affording an opportunity to show cause.

4. Mr. Bhattacharyya, learned Senior Counsel for the respondent-State of West Bengal states that the present matter can be remanded back to the irrigation department to consider the present writ petition as a representation of the petitioner and the petitioner can be afforded an opportunity of personal hearing by the Assistant Engineer before passing any order of demolition.

5. After perusal of the materials on record and in view of the submissions advanced by the parties, this Court is of the view that the demolition notice dated

09.04.2026 has been issued without affording the petitioner an opportunity of filing a reply to the show cause notice or without granting him any personal hearing. Such notice is in utter violation of principles of natural justice and is therefore liable to be set aside.

6. In view of the stand taken by the learned Senior Counsel for the State of West Bengal, the impugned order dated 09.04.2026 is hereby set aside. The present writ petition is to be treated as a representation and the same is remanded back to the Assistant Engineer, Panskura Irrigation and Waterways Department, Block I, Panskura, Purba Medinipur to decide the contentions of the petitioner after affording her an opportunity of personal hearing within a period of 8 weeks from today.

7. With the aforesaid directions, the present writ petition is disposed of.

8. It is clarified that this Court has not examined the merits of the matter. The entire controversy is left open to be decided by the Assistant Engineer, Irrigation and Waterways Department in accordance with law.

9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(PARTHA SARATHI SEN, J.)