

M/L- 243
16/02/2026
Ct. No.-19
Aritra

WPA 21617 of 2025
Mudashar Hussain
Vs.
The State of West Bengal & Ors.

Mr. Probal Kr. Mukherjee, Sr. Adv.
Ms. Shebatee Datta

....for the petitioner

Mr. Protik Majumder
Mr. Saibal Krishna Dasgupta
Mr. Ratikanta Pal

....for the respondent Nos.9 to 12

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

The petitioner has challenged the order dated September 19, 2023 passed by the Sub-Divisional Officer, Bardhaman Sadar (North), Purba Bardhaman under Section 10(3) of the West Bengal Highways Act, 1964.

Mr. Mukherjee, learned senior advocate appearing for the petitioner submits that the order dated September 19, 2023 was passed pursuant to an order dated December 14, 2022 passed in a Misc. case under Section 10(3) of the 1964 Act directing that proceeding under Section 8 and 10(1) of the 1964 Act be initiated *de novo* by the Executive Engineer, Asansol Highway Division, Public Works (Roads) Directorate with regard to the status of the L.R. Records of Rights, mouza map of Mouza-Sukdal, J.L. No.37 of P.S.-Budbud and notification of acquisition of

respective plots of land of G.T. Road. Mr. Mukherjee submits that though the order dated December 14, 2022 was passed in the presence of the petitioner and the private respondents herein, but in the *de novo* proceeding the order dated September 19, 2023 was passed without affording any opportunity of hearing to the petitioner.

The learned advocate appearing for the private respondents also does not dispute the said factual decision that the petitioner was not heard in the *de novo* proceeding.

Petitioner was heard in the proceeding being Misc. Case No.3 of 2022 under Section 10(3) which was disposed of by order dated December 14, 2022 directing initiation of *de novo* proceeding. Thus, the petitioner ought to have been given an opportunity to participate in the subsequent proceeding under Section 10(3) as Section 10(3) contemplates an adjudication.

Thus, the principles of natural justice has been grossly violated in the case on hand.

In the light of the submissions made by the learned advocate for the respective parties, this Court is inclined to interfere with the order dated September 19, 2023 only on the ground of violation of principles of natural justice.

Accordingly, the order dated September 19, 2023 is quashed and set aside.

The Sub-Divisional Officer, Bardhaman Sadar (North), Purba Bardhaman, being the respondent No.3 is

directed to comply with the directions contained in the order dated December 14, 2022 after affording an opportunity of hearing to the petitioner, the private respondents and any other parties, who may be affected by such decision and to dispose of the same as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

With the above observations WPA 21617 of 2025 stands disposed of.

It is however, made clear that the parties will be at liberty to produce all materials in support of their respective claims at the time of hearing before the concerned authority.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)