04.11.2026
Item No. 33
Ct. No. 03
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W.P.A. 31362 of 2026
Abdur Rahim Molla & Ors.
Vs.
State of West Bengal & Ors.

Mr. Debabrata Roy,
Mr. Gazi Faruque Hossain
Mr. Bikash Chowdhury.
...For the Petitioners.

Mr. Susanta Dutta.
... For the State.

Mr. Manshi Ashiq Elahi
Ms. Madhurima Sarkar,
Ms. Urni Biswas ... for the respondent No.8.

Affidavit of service, filed by the petitioners in Court today, is taken on record.

The petitioner is aggrieved by an order dated 5th October, 2026, passed by the Sub-Divisional Officer, Basirhat, North 24 Parganas, whereby the petitioners were directed to demolish the unauthorised building erected by them over plots no. 17 and 26/310, J.L. No. 26, Mouza Madari, P.S. Minakhan, North 24 Parganas, within 15 working days from the date of receipt of the order.

Such order was passed by the Sub-Divisional Officer in terms of Section 23(6) of the West Bengal Panchayat Act, 1973, pursuant to an order dated 8th July, 2024 passed in WPA 7247 of 2024 by a Coordinate Bench of this Court.

During the course of hearing, the learned counsel appearing for the petitioners submits that the Sub-Divisional Officer, in his order dated 5th October, 2026, referred to a field inquiry report dated 8th August, 2026 prepared by the Block Development Officer, Minakhan Development Block and based on such report and other documents the Sub-Divisional Officer passed the impugned order dated 5th October, 2026. He further submits that the said report mentioned in the order dated 5th October, 2026 had not been served upon the petitioners at the time of hearing by the Sub-Divisional Officer.

Mr. Susanta Dutta, the learned advocate appearing for the State of West Bengal, fairly submits that the field inquiry report was not served upon the petitioners.

Learned counsel appearing for the private respondent is present.

It appears that by not furnishing the field inquiry report dated 8th August, 2026, the Sub-Divisional Officer violated the rules of natural justice. Before taking any decision involving civil consequences, it is the duty and obligation of the decision-making authority to afford every reasonable opportunity of hearing to the persons likely to be affected.

Under such circumstances, the order dated 5th October, 2026 is set aside.

The Sub-Divisional Officer is directed to decide the issue afresh within a period of four weeks from the date of communication of this order after affording an opportunity of hearing and after furnishing all relevant documents to the petitioners as well as the private respondent. The Sub-Divisional Officer is further directed to pass a reasoned order within one week from the date of hearing.

The petitioners as well as the private respondent are at liberty to submit necessary exceptions to such report.

With the above observation and directions, the writ petition stands disposed of.

(Arjun Ray Mukherjee, J.)