22
26.11.2026
Ct. No.15
b.das

WPA 32673 of 2026

Dilip Kumar Roy
Vs.
The State of W.B. & Ors.

Mr. Debjit Mukherjee
Mr. Kaustav Bhattacharyya
Ms. Anisha Kar …for the petitioner.

Mr. Nilanjan Bhattacharyya
Mr. Sundar Gopal Bhattacharya
Ms. Ayana Banerjee …for the State.

Mr. Sayan Sachin Basu
Mr. Suman Bose …for private respondent nos.7 & 8.

Affidavit of service filed by the petitioner is taken on record.

The Panchayat is not represented despite service.

Pursuant to an order passed by this Court in WPA 28902 of 2025 on 18th September, 2026, copy of the inspection report and the sketch map was made over to the petitioner and the private respondents by the Pradhan of the concerned Panchayat. The Pradhan took up the issue for reconsideration and served notice upon the petitioner on 7th October, 2026 which was received by the latter on 8th October, 2026. Date of hearing was fixed on 14th October, 2026.

The petitioner, through his learned advocate, submitted an application before the Prahdan on 12th October, 2026 seeking adjournment of the hearing on medical grounds, annexing medical documents.

Despite such application being submitted before the Pradhan on the date of hearing, the Pradhan passed an order on the said date in absence of the petitioner, directing self demolition of the unauthorized portions of the construction by the petitioner within a stipulated time frame.

The said order is assailed by the petitioner primarily on the ground that it was passed without granting an opportunity of hearing.

Opposing such contention, learned counsel for the State submits that the order impugned has been passed solely on the basis of the inspection report submitted before the authority, the said report not being challenged by the petitioner in the writ petition.

Denying the same, learned counsel for the petitioner submits that the report has been challenged by the petitioner in paragraph 33 of the writ petition.

Learned counsel for the private respondents submits that Pradhan was directed to revisit the issue within one month from the date of communication of the order which would have expired if the matter was not taken up by the authority on 14th October, 2026, moreso, since the Panchayat was closing down for the puja vacation immediately thereafter.

It appears that an adjournment was sought on behalf of the petitioner before the Pradhan on medical grounds by a letter issued on 12th October, 2026 and submitted before

the Pradhan on the date of hearing, that is, on 14th October, 2026. The Pradhan turned down the request of the petitioner and proceeded to take a decision on the basis of the inspection report and sanctioned building plan placed before him.

The petitioner was not granted an opportunity to make his submission before the Pradhan in support of his contention. He has also raised an objection to the inspection report submitted before the Pradhan.

The petitioner submitted a representation before the Pradhan on 16th November, 2026 seeking reconsideration of the order dated 14th October, 2026, which is pending.

In the said backdrop, this Court is inclined to hold that an opportunity of hearing ought to have been granted to the petitioner before an order of demolition of the alleged unauthorized portion of construction was passed.

Since the petitioner was deprived of the opportunity of placing his contention before the Pradhan on the relevant date, the order impugned dated 14th October, 2026 is required to be set aside/quashed.

Accordingly, the writ petition is allowed.

The order impugned dated 14th October, 2026 is quashed/set aside.

The Pradhan, Rajarhat-Bishnupur 2 Gram Panchayat, being the 6th respondent herein, is directed to revisit the issue on 7th December, 2026 at 2 p.m. as suggested by the parties and arrive at a reasoned decision

upon hearing both the parties and considering the documents placed before him within 15th December, 2026. No further notice shall be served upon the parties for the said hearing.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

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

(Suvra Ghosh, J.)