

16.06.2026  
Sl. No.28  
Ct. No.6  
ss

**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**W.P.A. No. 749 of 2026**

**Md. Namiruddin  
versus  
The State of West Bengal & Ors.**

Mr. Deborshi Dhar  
Mr. Rajesh Sharma  
Ms. Taniya Bhowmik

...for the Petitioner.

Mr. Kunaljit Bhattacharjee, Ld.AGP  
Ms. Radhika Agarwal

...for the State.

Mr. Abhilash Mittal  
Mr. Roumyadip Saha

... for the respondent nos.6, 7 & 8

1. Supplementary affidavit filed on behalf of the petitioner is taken on record.
2. Report in the form of affidavit filed by the respondent no.5, Assistant Engineer (P.W.D.), Siliguri Construction Sub-Division No.II, Siliguri is also taken on record.
3. By the present writ petition the petitioner seeks for setting aside and/or quashing of the notices dated 17<sup>th</sup> April, 2026, 20<sup>th</sup> April, 2026 and 29<sup>th</sup> April, 2026 issued by the concerned authority.
4. This is second round of litigation.
5. Previously a writ petition being WPA 2363 of 2025 was filed by the private respondent

nos.6, 7, 8 and three others which was disposed of on 13<sup>th</sup> February, 2026 with the following direction:

*“Needless to mention, if any unauthorized construction is found the same shall be removed strictly in accordance with law upon following the principles of natural justice and upon giving adequate opportunity to all parties to ventilate their grievances before the authority. The entire exercise shall be completed within a period of ten weeks from the date of communication of this order.”*

6. The petitioner challenges the notices on the ground that the same has been addressed to one Md. Nizamuddin and not to him and as such those notices are bad in law.
7. Mr. Deborshi Dhar, learned Advocate appearing on behalf of the petitioner submits that his client namely, Md. Namiruddin, has been forced to accept the notice in the name of Md. Nizamuddin. His client Md. Namiruddin and his wife Jahanara are not the parties in the earlier writ petition. He seeks that liberty be given to the petitioner to take part in the hearing before the Assistant Engineer (PWD), Siliguri Construction Sub-Division No.II, Siliguri, respondent no.5 since the notice of hearing was never served upon his client.
8. Now it is to be examined whether the notices under challenge were served upon the petitioner or not.

9. It is found that copy of Peon Book has been annexed to the report filed by the State respondents. Upon perusal of the same it appears that notices of hearing dated 17<sup>th</sup> April, 2026 and 20<sup>th</sup> April, 2026 were issued in the name of one Md. Nizamuddin and those notices were received by one Jahanara. It is informed by learned advocate for the petitioner that said Jahanara is the wife of the petitioner. It has been strenuously argued on behalf of the petitioner that they were forced to receive the notices. Be that as it may, it is relevant to note that those notices of hearing have been received by said Jahanara without any demur. Since the wife of the petitioner received such notices of hearing, hence the petitioner cannot claim that he did not have any knowledge of such notices or the date fixed for hearing. Therefore, the contention of the petitioner that the notices were not served upon him did not stand to reason. The challenge to notice of hearing dated 29<sup>th</sup> April, 2025 on the similar ground is not sustainable, as the earlier notices are found to have been served upon the wife of the petitioner. Therefore, the writ petition falls short of merit.
10. Accordingly, the writ petition being **WPA 749 of 2026** stands dismissed.

11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

**(Bivas Pattanayak, J.)**