

24.02.2026.
Item No. 03
Court No.05
BR

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. 1515 of 2025

Sushanta Chandra Das and Ors.

-vs-

The Debutter Trust Board , Coochbehar and Ors.

Mr. D.Dhar,
Mrs. Paramita Sahu
... For the petitioner

Mr. Joyjit Choudhury,Ld AAG
Mr. Kumar Santanu

...For the State

1. The writ application has been preferred challenging the impugned notices 18.06.2025 issued by the respondent no. 2 and direct the respondent no. 2 not to disturb the physical possession of the petitioners in their respective houses being annexure P-2 read with land being L.R. Plot /dag No. 6675 , J.L. No. 130 Mouza Sahar Coochbehar , Police Station –Kotwali which petitioners are enjoying peacefully and uninterruptly for decades.
2. On hearing the learned counsel appearing for the parties and on perusal of the materials on record, it appears that the petitioner herein vide the impugned notices have been directed to vacate the disputed property in this case within a specified period. It is the contention of the petitioner that they have not been heard by the said authority who has issued the said notice and as such without being granted an opportunity of hearing the petitioners cannot be dispossessed from the disputed property.

3. It appears that the notice has been issued by the Secretary of the Debuttor Trust Board, Cooch Behar, though the said trust is headed by the District Magistrate, the in-charge of the said trust board are not statutory authorities and as such the maintainability of the writ application is also doubtful. But considering that the petitioner submits that he has been asked to vacate the property of hearing without being granted an opportunity of hearing, the writ application is disposed of with the direction that the respondent no. 2 herein shall provide a hearing to the petitioner on giving an opportunity within 30 days from the date of his order and on giving an opportunity of hearing and considering the documents if produced by the petitioners herein, shall pass a reasoned order in accordance with law. The respondent no. 2 shall make all endeavour to complete within 30 days thereafter by passing a reasoned order in accordance with law.
4. The impugned notices in the writ application are stayed till the disposal of the hearing and on completion of hearing the authorities shall be at liberty to act in accordance with law.
5. WPA 1515 of 2025 stands disposed of.
6. Urgent Photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Shampa Dutt (Paul), J.)