OD-2

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/472/2026

AFFAKUZZAMAN KHAN
VS
STATE OF WEST BENGAL AND ORS

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date 06TH OCTOBER, 2026.

Appearance:
Mr. Kishore Dutta, Sr. Adv.
Mr. Rohit Banerjee, Adv.
Mr. Nilay Sengupta, Adv.
Mr. Sujit Banerjee, Adv.
... for the petitioner

Mr. Bibek Jyoti Basu, Adv.
Mr. Papu Adhikari, Adv.
Mr. Syed Nazmul Hossain, Adv.
Mr. Debjyoti Kar, Adv.
Mr. Uttam Kumar De, Adv.
... for the Wakf Board.

Mr. Arkaprava Sen, Sr. Adv.
Mr. Anujit Mookherji, Adv.
Mr. Dr. N.G. Khaitan, Adv.
Mr. S. Mandal, Adv.
...for the State of West Bengal

1. The petitioner has filed the present writ application challenging the show cause notice issued by the Additional Secretary to the Government of West Bengal dated 25th August, 2026 on the ground that in page No.2 paragraph No.3 there is a specific allegation against the petitioner that the petitioner has misappropriated the 50% share of the Auquf and transferred the Auquf flats to others. With regard to the said allegation no document has been supplied to the petitioner and as such it is not

possible for the petitioner to give a proper reply to the said show cause notice and he prayed for setting aside the show cause notice or the direction upon the authority to provide the document with regard to the allegation of the misappropriation of the 50% share of Auquf property.

2. Learned Counsel appearing for the Chief Executive Officer has handed over a hearing notice issued by the Additional Secretary dated 30th September, 2026 wherein the hearing of the case is fixed on 8th October 2026 at 12:30 p.m. He submits the petitioner can appear before the authority at the time of hearing and he can ask for the document if he required any further document.

3. Learned Counsel appearing for the States submits that the documents which the authorities have relied upon have already been supplied to the petitioner along with show cause notice dated 25th August, 2026. In the show cause notice altogether 12 documents have been mentioned. The learned Counsel for the State further submits that in the Show cause notice it is also mentioned with regard to the four complaints and the representation received from Shri Arshad Hossain, Musst. Abeda Khatoon, Sahamat Mission Welfare Society and Ms. Khadija Ali and Ms. Amna Ali.

4. Learned Counsel for the state submits that other than the 12 documents and four complaints and the representation, the State is not relying upon any further documents.

5. Considering the submissions made by the Counsel for the respective parties, this Court finds that the State is not relying upon any further document other than the 12 documents which have been supplied to the petitioner as mentioned in show cause notice as well as the four complaints and the representations.

6. Thus, the writ petition is disposed of by giving liberty to the petitioner to appear before the Authority on 8th October, 2026 and if there is any grievance with regard to the document, the petitioner shall be at liberty to place his grievance before the Authority at the time of hearing and if the authorities are relying upon any further documents, the same shall be provided to the petitioner.

(KRISHNA RAO, J.)

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