

30.06.2026
Item No.30
Ct. No. 19
RP

WPA/14723/2026
SURESH CHANDRA GUPTA & ANR.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Sukanta Chakrabarty
Mr. Arpan Guha
Mr. Ronit Deyashi
Mr. Partho Sarathi Biswas
... For the Petitioners
Mr. Sukanta Ghosh
Mr. Arghya Chatterjee
... For State

1. The writ petitioners and the respondent/State are represented by their respective learned counsel.
2. The subject matter of the instant writ petition is the notice dated 20.06.2026 as issued by the respondent no.6 authority, a copy of which has been annexed as Annexure P-3 at page 94 of the writ petition.
3. At the time of hearing Mr. Chakrabarty, learned counsel appearing for the petitioners draws attention of this Court to page nos.93 to 95 of the instant writ petition, being copies of two notices for

demolition of unauthorized construction dated 19.06.2026 and 20.06.2026. It is submitted by Mr. Chakrabarty that on perusal of the said two notices it would reveal that the respondent no.6 authority directed the writ petitioner to carry out self-demolition in respect of alleged illegal construction as indicated in the said two notices. Drawing attention to Section 3 of West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 (Act of 1962) it is submitted by Mr. Chakrabarty that Section 3 of the Act of 1962 clearly mandates issuance of show cause notice prior to passing of order of eviction against unauthorized occupants in the public land. Drawing attention to the first paragraph of page no.18 of the instant writ petition it is argued by Mr. Chakrabarty that it is the specific case of the writ petitioners that prior to issuance of impugned two notices dated 19.06.2026 and 20.06.2026 no show

cause was issued by the respondent no.6 authority in terms of Section 3 of the Act of 1962. It is, thus, submitted by Mr. Chakrabarty that it is a fit case for granting reliefs to the writ petitioners as prayed for in the instant writ petition.

4. Such prayer is vehemently opposed on behalf of the respondent/State.
5. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court is of the considered view that some prima facie materials have been placed on behalf of the writ petitioners to substantiate that prior to the issuance of the impugned two notices dated 19.06.2026 and 20.06.2026 no show cause notice has been issued. Such being the position, let there be stay of operation of the impugned two notices dated 19.06.2026 and 20.06.2026 as issued by the respondent no.6 authority till the last day

of September 2026 or until further order, whichever is earlier.

6. The respondent no.6 is directed to file a report in the form of affidavit and/or affidavit-in-opposition within two weeks hence after serving an advance copy of the same to the learned advocate for the writ petitioners. In turn, the writ petitioners are at liberty to file exception/affidavit-in-reply within one week thereafter.
7. Let this matter be listed under the heading "Adjourned Motion" on 13th August, 2026.

(PARTHA SARATHI SEN, J.)