

S/L 2
28.10.2025
Court. No. 19
Swayan

WPA 23735 of 2025

**The Biswa Bharati Construction
Vs.
The State of West Bengal & Ors.**

*Mr. K. M. Hossain
Mr. Jayed Hossain*

...for the petitioner.

Mr. Santanu Kr. Mitra

...for the State.

Mr. Sk. Sahjahan Ali

...for the respondent nos. 11 to 13.

1. Though the instant writ petition is listed today under the heading “Extension of Interim Order”, however, considering the urgency of the matter this Court proposes to hear out the instant writ petition on merit.
2. The subject matter of the instant writ petition is the order dated 12.09.2025 as passed by the respondent no. 4/authority herein whereby and whereunder the writ petitioner was directed to reconstruct the demolished boundary wall of the private respondent nos. 11 to 13 herein at its own cost within 15 working days from the date of passing of the said order with a further direction that the present writ petitioner would have pay a sum of Rs. 10 lakhs to the private respondent nos. 11 to 13 as compensation for the unlawful demolition of their boundary wall within 15 working days from the date of passing of the order under challenge.
3. It is pertinent to mention herein that such reasoned order under challenge dated 12.09.2025 was passed by

the respondent no. 4/authority pursuant to the judgment and order dated 04.08.2025 as passed by this Court in WPA 16213 of 2025.

4. At the time of hearing Mr. Hossain, learned Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to paragraph nos. 24 and 25 of the judgment dated 04.08.2025 as passed by this Court in WPA 16213 of 2025, a copy of which has been annexed at page nos. 26 to 38 of the instant writ petition.
5. It is submitted on behalf of the writ petitioner that on careful perusal of paragraph nos. 24 and 25 of the said judgment dated 04.08.2025 it would reveal that while disposing WPA 16213 of 2025 this Court directed the respondent no. 7/authority herein to conduct a field verification after securing prior service of notice upon the writ petitioner herein as well as the private respondent nos. 11 to 13 herein.
6. It is submitted on behalf of the writ petitioner herein that in utter violation of the judgment and order dated 04.08.2025 as passed in the said writ petition the jurisdictional Revenue Inspector conducted field verification without serving any notice to the writ petitioner herein. It is further submitted that such violation on the part of the jurisdictional Revenue Inspector was brought to the notice of the respondent no. 4/authority herein but the respondent no. 4/authority herein for the reason best known to him did not pay any heed to such grievance of the writ

petitioner and thus most mechanically and mistakenly passed the impugned order dated 12.09.2025 which is subject matter of challenge in the instant writ petition.

7. It is further submitted by Mr. Hossain that while passing the impugned order under challenge dated 12.09.2025 the respondent no. 4/authority has miserably failed to consider that the principle of natural justice has not been followed causing thereby serious prejudice to the writ petitioner's right.
8. It is thus submitted on behalf of the writ petitioner that an appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition.
9. Mr. Mitra, learned Advocate appearing on behalf of the respondents/State and its instrumentalities contended that in absence of any material irregularity there cannot be any justification to interfere with the order dated 12.09.2025 as passed by the respondent no. 4/authority. It is further submitted that the respondent no. 4/authority while passing the order under challenge duly noticed that there were sufficient merits in the representation of the private respondent nos. 11 to 13 as submitted before the respondent no. 4/authority.
10. It is further submitted on behalf of the respondents/State that the respondent no. 4/authority also noticed that there was clear violation of the provisions of Section 44 of the West Bengal Panchayat Act, 1973 at the instance of the writ petitioner while

constructing road under PMGSY Scheme. It is thus submitted that in absence of any merit there is hardly any scope to interfere with the impugned order dated 12.09.2025 as passed by the respondent no. 4/authority.

11. Mr. Ali, learned Advocate appearing on behalf of the private respondent nos. 11 to 13 adopted the argument of learned Advocate for the State.
12. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties, this Court noticed that prior to passing of the reasoned order over the representation as submitted by the respondent nos. 11 to 13, the respondent no. 4 had given due chance of hearing both to the writ petitioner and the private respondents herein. Though it was contended on behalf of the writ petitioner herein that the jurisdictional Revenue Inspector did not give any notice to the writ petitioner prior to conducting field verification as directed by this Court, on being asked by this Court learned Counsel appearing on behalf of the writ petitioner could not show any scrap of paper to substantiate that the writ petitioner herein before the respondent no. 4/authority had at all raised any preliminary objection prior to considering the representation of the private respondent nos. 11 to 13 regarding non-compliance of the dictum of this Court as well as regarding the alleged non-compliance of

principle of natural justice by the jurisdictional Revenue Inspector.

13. It rather appears to this Court that the respondent no. 4/authority while passing the impugned order dated 12.09.2025 has come to a factual finding based on field verification report as submitted by the jurisdictional Revenue Inspector that the private respondent nos. 11 to 13s' property was interfered with by the present writ petitioner practically with force and without any lawful authority and further there was complete violation of the provisions of Section 44 of the West Bengal Panchayat Act, 1973.
14. It further appears to this Court that the respondent no. 4/authority rightly noticed that such highhandedness on the part of the writ petitioner herein in respect of the property of the private respondent nos. 11 to 13 tantamounts to violation of the provisions of Articles 14, 21 and 300A of the Constitution of India.
15. In absence of any perversity and/or material illegality and/or irregularity this Court sitting in judicial review is not at all inclined to interfere with the order dated 12.09.2025 as passed by the respondent no. 4/authority.
16. In view of the discussion made hereinabove, this Court thus finds no merit in the instant writ petition.
17. Accordingly, the instant writ petition is dismissed.
18. However, there shall be no order as to costs.
19. The interim order as passed earlier stands hereby vacated.

20. Since the writ petitioner has not reconstructed the demolished boundary wall of the private respondent nos. 11 to 13 and further since the writ petitioner has not paid a sum of Rs. 10 lakhs to the private respondent nos. 11 to 13 pursuant to the order dated 12.09.2025 as passed by the respondent no. 4/authority, the respondent no. 4/authority is hereby directed to comply the direction of this Court as mentioned in paragraph nos. 27 and 28 of the judgment dated 04.08.2025 as passed by this Court in WPA 16213 of 2025 forthwith.
21. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)