

D/L- 32
24/12/2025
Ct. No.-551
Aritra

WPA 28114 of 2025

**Pradyut Kumar Choudhuri
Vs.
The State of West Bengal & Ors.**

Mr. Moidul Islam Kayal
Mr. Archisman Singh
Mr. Nour Ul Amin Sarder

....for the petitioner

Mr. Tapan Kr. Mondal

....for the Zilla Parishad

Mr. Ansar Mondal, AGP
Ms. Somashree Dey
Mr. Asish Dutta

....for the State

- 1.The writ petition alleges arbitrary action on the part of the respondent/State authorities in evicting the writ petitioner in purported execution of an order dated November 10, 2025 passed by the Commissioner, Presidency Division.
- 2.It is submitted by the petitioner that the petitioner is sought to be evicted on the strength of an order passed without hearing him. The learned Advocate appearing for the petitioner relies on the Trade Registration Certificates as well as electricity bills in support of the petitioner's occupation of the subject property. It is further submitted that the proceedings have been concluded by hearing only the petitioner and the private respondents in WPA 11405 of 2022.

3. The writ petitioner further submits that the petitioner has been in occupation of the property in question since long and that the petitioner has also made an application before the respondent No.1.A. i.e., South 24-Parganans, Zilla Parishad for grant of lease in respect of the property whereat the petitioner has his shop.
4. Although the State/respondent is represented, it could not be demonstrated by the State/respondent that any notice of hearing was served upon the petitioner or that the petitioner has been heard prior to the passing of the order impugned.
5. It is prima facie deducible from the letter dated November 11, 2025 under the cover whereof the said order dated November 11, 2025 has been communicated to the parties that the same has been passed only upon hearing the following persons:-
 - a. Nirmal Chandra Bag,
 - b. Bimal Chandra Bag,
 - c. Bidyut Roy Chowdhury,
 - d. Bhuvan Roy Chowdhury.
6. Since it is prima facie apparent that the petitioner has been in possession of the property in question and since at present it is not clear as to whether the petitioner has been served with a notice of hearing or not as also as to whether the petitioner is in unauthorised occupation of the property in question

or not, the petitioner's occupation should not be disturbed on the strength of the order impugned till January 13, 2026.

7. The State/respondent shall, therefore, file a report in the form of an affidavit disclosing as to how has the petitioner been informed about the proceedings initiated under the West Bengal Highways Act, 1964.
8. The Zilla Parishad shall also file a report indicating the status of the petitioner's application for grant of leave as well as the status of the petitioner *vis-à-vis* the petitioner occupation of the land of the Zilla Parishad.
9. Such reports shall be filed before this Court on or before the returnable date.
10. List this matter for further consideration on January 8, 2026.
11. It is clarified that this order shall not affect the eviction of the other persons who have been heard in terms of the order dated May 16, 2025 passed by a Coordinate Bench of this Court in WPA 11405 of 2022 and whose names are appearing in the letter dated November 11, 2025 under the cover whereof the order dated November 10, 2025 was communicated to them. They shall be bound by the order impugned and this order shall not stand in the way of their eviction at all.

(Om Narayan Rai, J.)