

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

CPAN/25/2024
IA No.CAN/1/2024

Shri V.K.M.Mohammed Miskin

Vs.

The Tehsildar

Mr. Arul Prasanth
Mr. Dolly Sarkar

... for the petitioner

Mr, Shatadru Chakraborty
Mr. Dibesh Dwivedi

... for the respondent

November 14, 2024
[SR]
Item No.11

1. By an order dated 27.09.2024, a Coordinate Bench has held that no notice was served upon the petitioner before an order of demolition dated 10.04.2024 was passed and the petitioner's property was demolished.
2. The Coordinate Bench had categorically found that the order dated 10.04.204 is *ex facie* illegal for having been passed without notice to the petitioner.
3. The petitioner submits that for making a false statement on affidavit before this Court, proceeding under section 340 of the Cr.P.C which is equivalent under section 379 of BNSS, 2023 must be drawn up against the Tehsildar.
4. Mr. Shatadru Chakraborty, learned counsel appears for the Tehsildar.
5. Let an affidavit be filed showing cause as to why proceedings under section 379 of BNSS should not be drawn up against the Tehsildar, Thomas Varghees, within a period of a week from date.

6. The petitioner is seriously aggrieved that his property has been demolished without due process of law. It is submitted by Mr. Prasanth that the particular Tehsildar has a history of impropriety and corrupt practices.

7. It is also alleged that the orders of demolition are passed against poor and marginalized persons and the rich and powerful persons get away with any form of encroachment.

8. Let a copy of the affidavit of the Tehsildar be served on Mr. Prasanth. Mr. Prasanth's client may file reply within a week thereafter.

9. List this matter before the next available Circuit Bench.

(Rajasekhar Mantha, J.)