13.11.2026
rc/ct.no.15
Item No.05

WPA No. 31858 of 2026
Jahangir Khan
Versus
The State of West Bengal & Ors.

Sr. Adv. Kishore Datta
Adv. Biswaroop Bhattacharya
Adv. Sumitava Chakraborty
Adv. Bratati Pramanick ..for the petitioner

Ld. A.G. Surojit Nath Mitra
Sr. Adv. Nilanjan Bhattacharjya
Adv. Jayuita Dhar Chakraborty
Adv. Anindya Halder
Adv. Joy Ranjan Dhar …for the State

Adv. Tapash Kumar Mondal
Adv. Partha Sarathi Basu
…for the Respondent Nos. 4 & 5

Supplementary affidavit filed by the petitioner and documents submitted by the State are taken on record.

Learned counsel for the petitioner submits that the petitioner is in custody since June 08, 2026 and his wife has also been subsequently taken into custody. The petitioner's son is unable to reside in their residential house since the house has been vandalized and threats have been posed to his life and property. The documents lying in the house including the sanctioned building plan granted in favour of the petitioner have been stolen. The house is lying vacant and damaged at present. Though the petitioner's son has recorded his residential address as the said house in the affidavit affirmed by him in the writ petition, he is presently residing elsewhere. No notice of

hearing has been served upon the petitioner by the authority at the correctional home. Though the State insists that notices of hearing were affixed at a conspicuous place in the residential house of the petitioner, the photographs appended to the documents produced by the State do not suggest that the house belongs to the petitioner. No witness has also signed in the report submitted by the person who affixed the notice to suggest that the notice was actually affixed in the petitioner's house. The petitioner came to learn about the demolition from the social media only after the demolition was actually proceeded with. He seeks stay of the order of the Executive Officer directing demolition of his residential house.

Per contra, learned Advocate General appearing for the State refers to several notices issued upon the petitioner by the Hearing Officer before the issue was taken up for hearing. The notices, according to the State, were affixed to the wall of the petitioner's house. Learned counsel submits that the said affixation was also videographed. The petitioner failed and neglected to appear before the Hearing Officer or the Executive Officer despite service of notice upon him following which demolition order was passed since the Zilla Parishad affirmed that no sanctioned building plan was issued in favour of the petitioner in respect of the construction alleged. According to the learned counsel, several opportunities were granted

to the petitioner to participate in the hearing held by the Hearing Officer as well as the Executive Officer which were not availed of. The petitioner has only assailed the order passed by the Executive Officer and has not disputed the hearing held by the Hearing Officer. Also, even if it is accepted that the petitioner's house is lying unoccupied, that does not necessarily mean that the petitioner/his family has/have no control over the same. Learned counsel seeks dismissal of the writ petition.

I have considered the rival contention of the parties as well as material on record.

In the affidavit appended to the writ petition, the petitioner's son has affirmed that he is a resident of the petitioner's house. The affidavit is silent with regard to his present residence, if any.

It appears that several notices of hearing were issued upon the petitioner under Section 160A(6) of the West Bengal Panchayat Act, 1973 by the Hearing Officer as well as the Executive Officer before the issue was taken up for consideration. The petitioner was admittedly in custody at the relevant time. No attempt was made to serve notice upon him at the correctional home. Though the authority submits that the authority was ignorant about the said fact, the issue needs to be dealt with at a later stage. Affixation of the notice is not accompanied by the signature of any local witness though the person serving the notice has stated that he consulted some local persons

who were unable to provide any information about the petitioner and his family.

In view of the above, this Court is inclined to hold that the State needs to substantiate service of notice of hearing by the Hearing Officer as well as the Executive Officer upon the petitioner before further demolition of the petitioner's residential house is allowed to continue. The matter needs to be heard at length.

The State is directed to produce the videograph of affixation of the notice as stated.

Let the matter appear under the same heading on November 16, 2026 at 2.00 P.M. for further consideration.

The respondents are restrained from continuing with further demolition of the residential house of the petitioner till the adjourned date.

(Suvra Ghosh,J)