

sn 21.09.2020
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W.P.A.6927 of 2020
C.A.N. 1 of 2020

Through Video Conference

RAVI AUTO LIMITED & ANOHER VS.
BOARD OF TRUSTEES FOR THE PORT OF KOLKATA &
ORS.

Mr. Shyamal Sarkar..Sr.Adv.
Mr. Shankarshan Sarkar
Mr. Uttam Sharma
 ..for the petitioners
Mr. Abhrajit Mitra..Sr.Adv.
Mr. Soumen Ghosh
Mr. Snehasis Sen
Mr. Abhishek Banerjee
 ..for the respondent no.1

This Court is satisfied with the urgency
pleaded in the application being C.A.N.1/2020.
Accordingly, C.A.N.1/2020 is allowed and the writ
petition is taken up for consideration.

Heard the learned advocates appearing for
the respective parties.

It is the grievance of the petitioners that in
terms of settlement between the parties, the
petitioners were ready to surrender the vacant
possession of the premises standing in the name of
Company at P-29, Transport Depot Road, Kolkata
700 088 measuring about structure 201.21
sq.mtr.(Plate no.DB162/A/1) and Land 10,178.359
sq.mtr.(Plate No.D273/5/1) being Tenant Code

No.461 on February 24, 2020 but the Port Trust authorities have not taken possession of the same inspite of the fact that the writ petitioners have communicated this intention to surrender the possession of the premises to them.

It appears from the records that by an order dated May 3, 2019, the Estate Officer, Kolkata Port Trust passed an eviction order against the writ petitioners. Since an eviction order has been passed against the writ petitioners and an appeal against such order of eviction has been dismissed for non-prosecution on February 18, 2020, there is no impediment on the part of the Port Trust authority to take possession of the premises in question. Accordingly, this Court observes that it will be open to the Kolkata Port Trust authorities to take possession of the premises in question on September 28, 2020 at about 12-00 noon.

The representatives of the Kolkata Port Trust and the writ petitioners shall be present at the locale at the date and time mentioned hereinabove. Taking of possession of the property in question shall be without prejudice to the rights and contentions of the respective parties.

In case, the possession of the said property is not taken by the Kolkata Port Trust authorities on the date and time mentioned hereinabove, the writ petitioners shall not be responsible for any encroachment of the property in question after the scheduled date and time mentioned hereinabove.

Mr. Mitra learned senior Advocate appearing on behalf of the Kolkata Port Trust authorities submits that the Port Trust authorities are entitled to huge arrear dues from the writ petitioners which is however disputed by Mr. Sarkar, learned Senior Advocate appearing for the petitioners.

In the event, the Port Trust authorities are entitled to any amount on account of premises in question of the writ petitioners or the writ petitioners are entitled to any refund or adjustments, it will be open to the parties to take appropriate steps in accordance with law.

Since no affidavit in opposition is called for, the allegations contained in the writ petition shall be deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition being W.P.A. 6927 of 2020 is disposed of.

There will, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Hiranmay Bhattacharyya, J.)

