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22.12.2020
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO No. 1455 of 2020

(Via Video Conference)

Board of Trustees for the Port of Kolkata
-versus-
New Alipore Young Men's Association

Mr. Amit Kumar Nag,
Mr. Maharnab Roy,
Mr. Raunak Bose,
..... for the petitioner.

Mr. Deepam Kumar Sarkar,
Mr. Dinabandhu Das,
Mr. Dipayan Das, ... for the opposite party.

The opposite party has suffered the order of eviction dated August 20, 2019 under Section 5 of The Public Premises (Eviction of Unauthorised Occupants) Act, 1971 passed by the Estate Officer, Kolkata Port Trust.

The opposite party aggrieved by the said order of eviction has preferred an appeal under Section 9 of the aforesaid Act being P.P. Appeal no. 12 of 2019, pending before the Learned District Judge, Alipore, District : 24 Parganas (South).

The petitioner claims that he obtained possession of the suit property in execution of the said order of the Estate Officer. The petitioner alleges that the opposite party subsequently has dispossessed the petitioner.

The learned counsel for the petitioner submits that the petitioner has filed two applications in the said appeal, one for restoration of possession of the petitioner over the suit property and another for setting aside the *ex-parte* order dated September

06, 2019 passed in the said appeal but those applications are still pending. He therefore, prays that the appeal Court below may be directed to dispose of the said applications expeditiously.

The learned counsel for the opposite party on the other hand refutes the submissions of the learned counsel for the petitioner and submits that the suit property does not belong to the petitioner.

Be that as it may, sub-section (4) of Section 9 of the aforementioned Act mandates the disposal of the appeal under the said provision of the said Act within one month from the date of filing of such appeal.

In view of such statutory mandate the petitioner can legitimately expect expeditious disposal of the said appeal and the applications thereto.

In view of the outbreak of Covid-19 Pandemic, I am hesitant to pass any direction specifying a particular time limit for disposal of the said appeal and the connected applications but I hope and trust keeping in view of the said statutory mandate the Appeal Court below shall make all endeavour to dispose of the pending applications and the appeal expeditiously preferably within a reasonable time.

With the above terms, CO 1455 of 2020 is disposed of.

No order as to costs.

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

(Biswajit Basu, J.)