

16.08.2021
jb.

W.P.A. 218 of 2021
Shambhu Chandra Das & Anr.
vs.
The Board of Trustees for the Port of Calcutta & Ors.

Mr. Ajay Debnath
Mr. Debranjana Das
Mrs. Swagata Dutta
.... For the Petitioners
Mr. Soumitra Bandyopadhyay
Mr. Subhasish Bandyopadhyay
.... For the State
Mr. Somnath Bose
.... For the Kolkata Port Trust

The grievance of the petitioners is for rehabilitation on the strength of a certificate issued by the Rehabilitation Officer, Haldia Project.

It is submitted on behalf of the petitioners that the petitioners are the employees of Kolkata Port Trust and were unlawfully and illegally evicted from the subject premises. The petitioners were also issued a certificate from the aforesaid Rehabilitation Officer, Haldia Project, Purba Medinipur, but no allotment has been made in favour of the petitioners. In this background the petitioners pray that right of residence be granted to the petitioners and the KOPT is statutorily obliged to provide accommodation to the petitioners.

Mr. Bose appears on behalf of the Kolkata Port Trust and submits that the petitioners were unauthorised and illegal occupants and proceedings were initiated under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 against the petitioners in accordance with law. It is also submitted by Mr. Bose that proceedings have already been concluded and finally a decree has been passed against the petitioners. Thereafter the petitioners have availed of the statutory remedy in accordance with law and the same has also been dismissed. Ultimately by an order dated 6th January, 2021 a revisional application being C.O. 4379 of 2019 filed by the petitioners was dismissed by a co-ordinate Bench of this Court.

The State respondents are represented and submit that there is no grievance so far as the State respondents are concerned.

I have considered the submissions of the respective parties. In view of the admitted and undisputed fact that appropriate proceedings have been initiated by the respondent Kolkata Port Trust in terms of the aforesaid Act and the same have finally been concluded, I am of the view that the petitioners cannot claim any right whatsoever to remain in the subject premises. It is well settled that the petitioners cannot

seek indirectly what they have failed to do directly. Hence, I am of the view that there cannot be any interference with any of the steps taken by the Kolkata Port Trust under the aforesaid Act.

In so far as the grievance of right of rehabilitation is concerned, I am of the view that there is no scope of passing any order in favour of the petitioners. So far as the contention of the petitioners that other employees have been rehabilitated, this contention is specifically controverted by Mr. Bose, appearing on behalf of the Kolkata Port Trust. Therefore, in this writ petition, there is no vested or enforceable right that the petitioners can claim in so far as the prayers in this writ petition is concerned.

Accordingly, W.P.A. 218 of 2021 is dismissed.

Since no affidavit-in-opposition has been filed, the allegations contained in the writ petition are denied.

There shall be no order as to costs.

Photostat certified copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Ravi Krishan Kapur, J.)