

March 12, 2021

ARDR

(11)

WPA 13174 of 1984
+
(IA CAN 3 of 2019) (Old CAN 12646 of 2019)

Howrah Mills Co. Ltd. & anr.

Vs.

The Board of Trustees for the
Port of Calcutta & Ors.

Mr. Utpal Majumder,
Mr. Pushan Kar,
Ms. Dikshita Chomal,

...for the petitioners.

Mr. Joydip Kar, Sr. Adv.,
Mr. Probal Kumar Mukherjee, Sr. Adv.,
Mr. Asok Kumar Jena,

...for the KOPT.

The grievance of the petitioners is directed against a notice dated 28th May, 1984 issued by the Land Manager of the respondent KOPT. The petitioner has been enjoying an interim order dated 25th September, 1984.

It is submitted by Mr. Jaydip Kar, Senior Advocate, appearing for the KOPT that with the passage of time, the lease, which had been granted to the petitioner, has expired by efflux of time and the petitioner is an “unauthorised occupant”.

It is further submitted by Mr. Kar that in view of the fact that the petitioner has become an unauthorised occupant, he cannot proceed on the allegations contained in the impugned notice and has to issue a fresh notice in accordance with law under

the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

Mr. Utpal Majumder appearing on behalf of the petitioners submits that his client is a lawful tenant who is holding over. This submission is disputed by Mr. Kar appearing for the KOPT.

In view of the fair submissions made by Mr. Kar appearing for the KOPT that the impugned notice has lost its force in view of the subsequent developments, I am of the view that there is no purpose in keeping this writ petition alive. The parties are *ad idem* that this writ petition has for all practical purposes become academic.

The impugned notice is set aside and/or quashed.

Interim orders, if any, stands vacated.

Accordingly, WPA 13174 of 1984 is disposed off as infructuous

Liberty is granted to the KOPT to take all steps in accordance with law.

All points are left open to be decided by the Estate Officer in the proposed proceedings to be instituted by the KOPT.

It is needless to mention that all connected applications including CAN 3 of 2019 stand disposed off as infructuous.

(Ravi Krishan Kapur, J.)