

06.12.2021
Item No.1.
Court No.6.
AB

Through Video Conference

M.A.T. No. 472 of 2020

M/s. Cavalier Enterprises Pvt. Ltd. & Anr.

Vs

The Kolkata Municipal Corporation & Others

Mr. Abhrajit Mitra, Sr. Adv,
Mr. Satadeep Bhattacharya,
Mr. Sumanta Biswas,
Mr. Bikash Shaw ...for the Appellants.

Mr. Ashoke Kr. Banerjee, Sr. Adv,
Mr. Alok Kumar Ghosh,
Mr. Achintya Banerjee,
Mr. Swapan Debnath,
Mr. Gopal Chandra Das,
Mr. Shubhrangsu Panda ...for the K.M.C.

By consent of the parties, the appeal is taken up
for hearing.

The writ petitioners/appellants claim to have
been put in possession of the premises in question by
the original lessee. The Corporation of-course says
that the appellants have absolutely no right to be in
occupation of the premises. They are illegal occupants.

The writ petitioners approached the learned
Single Judge with the primary grievance that they
were suddenly dispossessed without due process of
law being followed. The Corporation, without any
notice, put their padlock on the premises thereby

dispossessing the writ petitioners. The writ petition was dismissed.

The fact remains that during the pendency of the writ petition, the Corporation had initiated proceedings under West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 against the writ petitioners. Such proceeding was contested by the writ petitioners before the Land Acquisition Collector. The proceeding ended in an order of eviction being passed against the writ petitioners. The writ petitioners have preferred an appeal before the Appellate Authority against such eviction order.

Having heard learned Counsel for the parties, we are of the view that ends of justice will be served if we direct the appeal pending before the Appellate Authority to be disposed of expeditiously.

Accordingly, we direct the Appellate Authority to dispose of the appeal as soon as possible but in any event within eight weeks from the date of communication of this order after giving full opportunity of hearing to all concerned parties.

Mr. Banerjee, in his usual fairness, submits that for a period of eight weeks from date or till disposal of the appeal, whichever is earlier, the Corporation shall not take any steps in respect of the premises in question. The appellants will not be entitled to take

any advantage of this submission made on behalf of the Corporation at any subsequent proceeding.

The learned Single Judge had imposed costs of Rs.10 Lacs on the writ petitioners. Pursuant to the order of a Coordinate Bench in this appeal, such money has been deposited with the Registrar General of this Court. We are of the view that for the ends of justice, the amount of costs should be reduced to Rs.5 Lacs. Rs.5 Lacs out of the deposit lying with the Registrar General shall be returned to the writ petitioners. The balance Rs.5 Lacs shall be paid to West Bengal Legal Services Authority. This will be done within two weeks from date.

We have not gone into the merits of the case. All questions are left open for the Appellate Authority to decide. The parties shall be entitled to raise all questions before the Appellate Authority.

The appeal being MAT 472 of 2020 is, accordingly, disposed of along with connected applications, if any.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)