

24/11/2021
Item No. 39
Court No. 06
S. DE

Through Video Conference

M.A.T. 1053 of 2021

I.A. No. CAN/1/2021

Shambhu Chandra Das @ Shambhu Charan Das & Anr.

Versus

The Board of Trustee for the Post Calcutta & Ors.

Mr. Atarup Banerjee,
Mr. Amal Krishna Samanta,
Mr. Arun Kumar Das,
Ms. Saswati Adhikary,
...for the appellants.
Mr. Somnath Bose,
..for the respondent no. 1.
Mr. Soumitra Bandyopadhyay,
Mr. Subhasis Bandyopadhyay,
...for the State respondents.

It appears that the land of the appellants was acquired by the State by an acquisition proceeding and the Board of Trustees Kolkata Port Trust, Haldia Dock Complex (Port in short) was the requiring body in the said proceeding. After acquisition of the land of the appellants, land loser certificates were issued by the project officer, Haldia Dock Complex in favour of the appellants.

The Port initiated an eviction proceeding under Public Premises (Eviction of Unauthorized Occupants) Act, 1971 against the petitioners. An order of eviction was passed by the Estate Officer. The petitioners

unsuccessfully challenged the said order before the appeal Court. The revisional application filed against the order of the appeal Court was also dismissed by a learned Single Judge of this Court.

The appellants place reliance upon the order of the revisional Court wherein it has been observed that if there is any scheme for rehabilitation of the land losers in the aforementioned acquisition case, it is always open for the appellants to explore their rights under such scheme, in accordance with law.

The Port suggests that there is no scheme for rehabilitation of the land losers.

Before us, the appellants could not produce any such scheme of rehabilitation.

In view of the aforesaid factual backdrop, in spite of being sympathetic to the appellants, we are of the opinion that there is no illegality in the order of the learned Single Judge since the appellants could not demonstrate any enforceable legal right in their favour.

The appeal being MAT 1053 of 2021 and the application being IA No. CAN 1 of 2021 stand dismissed without any order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

[Kausik Chanda, J.]

[Arijit Banerjee, J.]