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ORDER SHEET  
WPO 237 OF 2021  
IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
ORIGINAL SIDE

BHOLA PRASAD SHONKAR  
VS  
THE BOARD OF TRUSTEES FOR THE PORT OF KOLKATA AND ORS.

BEFORE:  
The Hon'ble JUSTICE RAJASEKHAR MANTHA  
Date : 14<sup>TH</sup> JULY, 2021

Appearance:  
Mr. A. Banerjee, Adv.  
Mr. S. Banerjee, Adv.  
Mr. N. Sengupta, Adv.  
...For the Petitioner

Mr. D. Mukerjee, Adv.  
Ms. S. Chatterjee, Adv.  
...For the State

The Court : The petitioner licensee is aggrieved by the fact that the Shyama Prasad Mukherjee, Port Trust has demanded license fees for the period from 01-08-2018 to 30-04-2021 in respect of the premises of 261.591 sq. meter being the plot No.SB-607at Strand Bank Road near Armenian Ghat. The license had expired according to the petitioner.

The petitioner was admittedly running a fee car parking facility on the said land. Mr. Mukherjee, learned senior counsel submits that the petitioner has admitted in the correspondence with the Port Trust, inter alia, and they have

been in occupation of the said land even until July, 2020 and were collecting car parking fees of vehicles, parked thereat.

It is further submitted that the writ petitioner has stated in writing that he continued with the parking fees activity even after February, 2018 until 2020.

This Court sees that the license or agreement between the writ petitioner and the Port Trust is a private contract. The relations between the parties and the actions complained of have absolutely no public element whatsoever. This Court also seen that there are disputed questions of fact that cannot be adjudicated under Article 226 of the Constitution of India. The writ petition being WPO No.237 of 2021 is therefore dismissed.

Since the petitioner submits that his proposal for renewal of the license was under consideration of the Port Trust, this order shall not prevent the Port Trust from considering according to law any request made by the petitioner.

Since respondents have not used any affidavit in opposition. None of the allegations are admitted.

(RAJASEKHAR MANTHA, J.)