

OD-25

W.P.O. No. 1127 of 2005

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE
(VIA VIDEO CONFERENCE)

HINDUSTAN PETROLEUM CORPORATION LTD.
Versus
THE BOARD OF DIRECTORS KOLKATA PORT TRUST

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 13th January, 2021.

Appearance:
Mr. L. K. Gupta, Sr. Adv.
Mr. D. K. Kundu, Adv.
...for the petitioner

Mr. Jaydip Kar, Sr. Adv.
Mr. Ashok Kr. Jena, Adv.
...for the respondent

The Court : This writ petition was filed in 2005. The grievance of the petitioner at the time of filing of the writ petition was directed against an eviction notice issued by the Kolkata Port Trust dated 18th April, 2005. Mr. Gupta, Senior Advocate appearing on behalf of the petitioner fairly submits that with the passage of time and the subsequent payment made by the petitioner there is no useful purpose in keeping the writ petition alive. He submits that the respondent KoPT has been accepting rent from time to time and has also received the

enhanced rent. He further submits that the KoPT has also permitted his client to make additional construction.

Mr. Kar, Senior Advocate appearing on behalf of the respondents disputes the submissions of Mr. Gupta. It is further submitted on behalf of the KoPT that the rent has been accepted without prejudice. Be that as it may in view of the submission of the parties that there is no point in keeping the writ petition alive, W.P. No. 1127 of 2005 is dismissed as withdrawn.

Liberty is granted to the petitioner to take appropriate steps in accordance with law. The Kolkata Part Trust is also granted liberty to take appropriate action and bring the Section 4 eviction notice to its logical conclusion in accordance with law. All points are left open to be decided by the Appropriate Authority in accordance with law.

Interim order, if any, stands vacated.

(RAVI KRISHAN KAPUR, J.)

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