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Ct. 18
03.03.2022

**C.O. No. 156 of 2022
(Via Video Conference)**

**Estate Achki Devi & Sri Subhas Ch. Agarwal
Vs.
Syama Prasad Mookerjee Port, Kolkata**

Mr. Arijit Bardhan,
Mr. Vivekananda Bose,
Ms. Deblina Chatterjee ... For the petitioner.

Mr. Pranit Bag,
Mr. Abhishek Banerjee,
Mr. Rijul Banerjee ... For the opposite party.

The revisional application under Article 227 of the Constitution of India is directed against the order dated December 20, 2021 passed by the Estate Officer in a proceeding for eviction of the petitioner from the suit property under Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 being Proceeding No. 1628 of 2018 (**BOARD OF TRUSTEES' FOR THE PORT OF KOLKATA – VERSUS – ESTATE ACHKI DEVI & SRI SUBHAS CH. AGARWAL**).

The petitioner in the said eviction proceeding filed an application praying stay of its further proceeding on the ground that the suit property was declared vested to the State of West Bengal by the competent authority under **The West Bengal Escheats and Forfeitures Act, 2012** vide order dated January 29, 2019. The said order although has been set aside in a writ petition being W.P. 74(W) of 2019 but appeal against the said order being A.P.O. 123 of 2020 is pending before the High Court, as

such, the eviction proceeding is required to be stayed till the said appeal is disposed of.

The Estate Officer by the order impugned has dismissed the said application holding that the mere pendency of the appeal would not operate as stay of the eviction proceeding. The Estate Officer is absolutely correct in holding so.

The order impugned, therefore, does not call for any interference.

The petitioner has not yet filed show-cause to the notice under Section 4 of the said Act of 1971, such show-cause must be filed within a week from date. It is open to the petitioner to take all points in defence including the point on which such stay of the eviction proceeding was sought for.

C.O. 156 of 2022 is disposed of with the above terms without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)