

19.04.2022
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ct. no. 7
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**C.O 845 of 2022
(Physical Hearing)**

**Board of Trustees for the Port of Syama
Prasad Mookherjee Port, Kolkata
-vs-
Howrah Flour Mills**

Mr. Subhankar Nag
Mr. Amit Kr. Nag
Mr. Subhadeep Basak
...for the petitioner

A direction to secure the expeditious disposal of an appeal under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 now pending before the learned Additional District Judge, 2nd Court, Howrah is Misc. Appeal no. 51 of 2008, is the ultimate relief as sought for in this case.

At the very threshold of this case, learned advocate for the petitioner submits that the pending appeal has not yet been disposed of even after the submissions of written notes of argument. Attention of this court is drawn to the order, dated 22nd June, 2011 passed in C.O. 2027 of 2011, wherein there has been a direction requiring the court below to hear the appeal on the date mentioned over there, and if necessary, the appeal may be heard out on day-to-day basis, in the event, the hearing of appeal not being concluded on the date stipulated therein.

It is strenuously argued by the learned advocate for the petitioner that such direction has not been complied with by the learned court below.

In view of the nature of the order proposed to be made in this case, no prior notice is considered to be necessary.

The service upon the opposite party is thus dispensed with, so far as the present revisional application is concerned.

Accordingly, the learned Additional District Judge, 2nd Court, Howrah is requested to ensure expeditious disposal of the pending appeal, being Misc. Appeal no. 51 of 2008, providing sufficient opportunity of hearing to both the parties, but without granting any unnecessary adjournment to either of the parties, unless it is extremely unavoidable.

While endeavouring of such exercise, the learned Court below may proceed with the disposal of the appeal, in a best possible manner, as situation of the case would demand, so as to dispense with the justice in a best possible manner, upon sensing the message contained in C.O. 2027 of 2011 together with express mandate contained in the Act referred hereinabove.

With this direction and observation, this revisional application stands disposed of.

Urgent photostat certified copy of this order duly applied for, be given to the parties upon compliance of all requisite formalities.

(Subhasis Dasgupta, J.)