

OD-5

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/2405/2022

PADAM KUMAR AGARWALA
VS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 16th August, 2022.

Appearance:
Mr. Arindam Moitra, Adv.
Mr. Arijit Roy, Adv.
For the petitioner.

Mr. Amitesh Banerjee, Sr. Adv.
Learned Senior Standing Counsel.
Ms. Ipsita Banerjee, Adv.
For the State of W.B.

The Court:- The grievance of the petitioner with regard to affixation of padlock on the mezzanine floor and godown of premises No. 300, B.B. Ganguly Street, Kolkata-700 012, has been resolved. The O.C., Building Section, Lalbazar had already instructed the learned advocate for the petitioner to take the keys and open the padlock of the alleged shop.

Mr. Banerjee, learned senior standing counsel, submits that the property was acquired by the government. The possession was taken from somebody who did not disclose his desire to operate from the said shop room. When the letter was received from the advocate-on-record of

the petitioner, the police authority intimated the learned advocate to take the keys of the said shop room from the Building Section, 2nd Floor, Northern Building, Lalbazar, 18, Lalbazar Street, Kolkata-700001. With regard to the removal of the hoarding, it is submitted that the same was not removed by the police.

The petitioner has submitted that the police did not have any right to dispossess the petitioner in view of the earlier orders passed by this Court, observing that unauthorized occupants can be removed only in accordance with law.

Under such circumstances, when the petitioner has got back possession of the shop, nothing remains to be decided in the writ petition as the police authorities have decided to return the keys to the petitioner.

This order shall not be construed as a declaration of the right, title and interest of the petitioner in respect of the shop room.

Accordingly, the writ petition is disposed of.

(SHAMPA SARKAR, J)