

11.01.2023
SL.14,Ct.2
AJ.

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate side
(via Video Conference)**

W.P.A. 85 of 2023

**Arya Bakery Private Limited
-Vs-
Chief Executive Officer, Siliguri
Jalpaiguri Development Authority & Anr.**

Dr. Navin Barik,
Ms. Esha Acharya.
.....for the petitioner.
Mr. Raja Saha,
Ms. Bedashruti Bose,
Mr. Subham Chanda.
.....for the S.J.D.A.

Affidavit of service filed by the petitioner be kept with the record.

The petitioner is running a milk parlour at L-5, Old SJDA Building, Hill Cart Road, Pradhan Nagar, Siliguri, District : Darjeeling under an agreement with ‘ The Himalayan Co-operative Milk Producers Union Ltd’ (HIMUL). The subject property admittedly belongs to Siliguri Jalpaiguri Development Authority (SJDA).

In the year 2016, **HIMUL** was merged with another company namely “**Mother Diary**” but the petitioner is continuing his business from the subject property.

The petitioner aggrieved by two notices of SJDA bearing Memo No.1517/I/Admn/312/2002/SJDA dated September 09, 2022 and Memo

No. 01/I/Admn/312/2002/SJDA dated January 02, 2023 whereby the SJDA asked the petitioner to vacate the subject property.

Mr. Saha, learned Advocate appearing for the SJDA submits that though the petitioner is in default of payment of huge licence fees, but his client has no intention to evict the petitioner without following the due process of law.

The property belongs to a local body as such, the said body is under obligation to evict the alleged unauthorized occupant of such property following due process of law.

The impugned notices do not qualify the requirement of such procedure therefore, those notices are set aside.

The SJDA, however is free to initiate appropriate proceeding for eviction of the petitioner from the subject property in accordance with law.

W.P.A. 85 of 2023 is disposed of with the above observation without any order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to be denied by the respondents.

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.)