

16th January,
2024
(AK)
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W.P.A 503 of 2024

Paltu Kumar Das
Vs.
The Union of India and others

Mr. Sudip sarkar
Mr. Krishna Pada Santra
...for the petitioner.

Mr. S.Ktarup Banerjee
Ms. Tanushree Ghosh
...for the Union of India.

Ms. Noella Banerjee
Ms. Kalpita Paul
...for the State.

Mr. Subhankar Nag
Mr. Snehashis Sen
Mr. Danyal Ahmed
...for the respondent nos.2 to 5.

1. Learned counsel for the petitioner contends that the respondent authorities have illegally sought to oust the petitioner from the occupation of a tea stall being run by the petitioner as a licensee on wharf space allotted by the Kolkata Port Trust to the petitioner.
2. The petitioner has been paying occupation charges from 2018-2023.
3. Learned counsel appearing for the respondent authorities points out that the impugned notice is a precursor of legal action to be initiated by the respondent authorities.

4. A bare perusal of the impugned notice annexed at page-22 of the writ petition shows that the same is indeed a precursor of legal action to be initiated against the petitioner by the respondent authorities.
5. As such, the same cannot be interdicted by issuance of a writ by this court at this juncture. The respondent authorities shall be at liberty to initiate appropriate proceedings pursuant to the said notice.
6. However, it is made clear that the respondents shall not evict the petitioner or disturb the peaceful possession of the petitioner with regard to the tea stall-in-question without due process of law.
7. WPA 503 of 2024 is disposed of in the light of the above observations without any order as to costs.
8. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)