

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 16.07.2024

DELIVERED ON: 16.07.2024

**CORAM:
THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

**F.M.A. 661 of 2024
With
I.A. No. CAN 1 of 2024**

**Saukhada Tudu
Vs.
Union of India & Ors.**

Appearance:-

**Mr. Sukumar Ghosh
Ms. Moumita Ghosh**

.....for the appellant

**Mr. M.S. Yadav
Ms. Saswati Chatterjee
Ms. Satabdi Naskar**

.....for the respondents 2 to 4

**Mr. Sandipto Bose
Mr. Rishi Bhattacharya**

.....for the respondents 12 & 13

Mr. Prabir Maji

.....for the respondent no. 14

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. The unsuccessful writ petitioner is the appellant in this appeal. After elaborately hearing the submissions on either side, we are fully in agreement

with the doubt expressed by the learned Single Bench that the writ petition itself was a collusive litigation between the husband and wife/appellant. The appellant is the wife and the private respondent is the husband.

2. Admittedly, there is a lease of land granted in favour of the Indian Oil Corporation Limited and a petrol pump has been established. By virtue of this collusive litigation, now the appellant as well as her husband/private respondent are attempting to oust Indian Oil Corporation Limited out of the premises. This attempt was rightly rejected by the learned Single Bench.
3. The District Magistrate shall ensure that the selling license is issued in accordance with law. The learned writ Court had also left it open to the parties to approach the civil Court including for eviction, if so advised.
4. Thus, we find no ground to interfere with the order passed by the learned Single Bench. Accordingly, the appeal and the connected application (I.A. No. CAN 1 of 2024) are dismissed.
5. No costs.

I agree.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)