

19.06.2024
Item No.23
Ct. No.15
S.A.

WPA 6322 of 2024

Ratan Enterprise Limited
-vs-
The Chief Executive Officer (CEO), Cantonment
Board & Ors.

Mr. Apurba Ghosh
...for the petitioner
Mr. Indrajeet Dasgupta
Ms. Puspita Bhowmick
...for the Cantonment Board
Mr. Ajay Choubey
Ms. Marry Datta
...for Union of India
Mr. Debasis Kar
...for respondent no.3
Mr. Ajay Chaubey
Ms. Marry Dutta
Mr. Chandan Mishra
...for respondent no.4

It is the case of the petitioner that it is an occupant of the Bungalow no.67 within the Barrackpore Cantonment Area from 1968. The property being Bungalow no.67 is an Old Grant Property and belongs to Government of India. One Lucky Properties Private Limited was the original "Holder of Property Rights" under the administration of the Defense Estate Officer, Kolkata Circle. In the year 1968 said Lucky Properties Limited transferred the property to petitioner with *prior consent of the appropriate authorities.*

The petitioner alleges that a part of the premises has been illegally encroached upon by respondent no.3.

Learned advocate representing respondent no.1 submits that respondent no.1 has already requested the relevant authorities for taking necessary steps and to ensure that no unlawful activities take place in the premises in question.

Respondent no.3 submits that he is in possession of the part of the premises for a long period of time. He, however, failed to produce any document which can justify his possession.

I am of the view that since the possession of respondent no.3 in the premises in question is not in dispute, he cannot be evicted without due process of law.

In that view of the matter, I grant liberty upon the relevant Defence Estate Officer to initiate appropriate proceedings against respondent no.3 in accordance with law for his eviction.

With this observation, **WPA 6322 of 2024** is disposed of.

(Kausik Chanda, J.)