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25.06.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 24916 of 2022

M/s. D. Drukker & Co. (I) Pvt. Ltd. & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Debrup Bhattacharya
...for the petitioner

Mr. L. M. Mahata
Mr. Supratim Dhar
...for the State

The grievance of the petitioner is directed against non-payment of mesne profits in respect of alleged unauthorised occupation by the State respondents in respect of premises no. 11, Netaji Subhas Chandra Bose Road, Kolkata – 700 040.

It is submitted on behalf of the petitioner that the above premises was in the unlawful possession of the State respondents and there has been no compensation, which the petitioner has received in respect thereof.

In this background, the petitioner seeks mesne profits to the extent of Rs.15 crores in respect of alleged unlawful occupation by the State respondents.

On behalf of the State-respondent, it is submitted that in an earlier writ petition being WP

20939(W) of 2019 pursuant to orders dated November 27, 2019 read with the order dated February 13, 2020, the above premises has been handed over to the petitioner as on April 30, 2021. In such circumstances, the present writ petition claiming mesne profits is not maintainable. It also appears from the report filed by the State Authority that by a letter dated December 20, 2022, the outstanding rent and occupational charges in respect of the above premise has been duly paid to the petitioners.

Admittedly, the State respondents have returned the subject premises to the petitioner as far back in 2021. The filing of a writ petition to claim mesne profits is misconceived and not maintainable. There is no provision of law, which the petitioner has been able to demonstrate to justify any order for appointment of an Arbitrator or otherwise being passed in this matter.

In view of the above, **WPA 24916 of 2022** stands dismissed.

(Ravi Krishan Kapur, J.)