

Court No. 6
(265719)

CO 204 of 2024

25.03.2025
(AD 51)

(S. Banerjee)

Calcutta Wholesale Consumers Cooperative Society Ltd.
& Ors.
Vs.
Life Ins. Corporation of India & Ors.

Mr. Saptangsu Basu, Sr. Advocate
Mr. Dhiman Kumar Sengupta
Ms. Farhin Mustaque

...for the petitioners

Ms. Sanjukta Ray
Ms. Madhumita Chatterjee

...for the opposite parties

This application under Article 227 of the Constitution of India is directed against the order dated July 6, 2022 passed by the learned Judge, 10th Bench, City Civil Court at Calcutta thereby directing the petitioners to pay occupation charges at the rate of Rs. 1,50,000/- with effect from the filing of the application within the time limit as indicated in the said order.

Mr. Basu, learned Senior Advocate appearing for the petitioners submits that the petitioners filed an application for review which was subsequently withdrawn. Thereafter, the petitioners approached this Court by challenging the order dated July 6, 2022. Mr. Basu would contend that the order dated

July 6, 2022 did not specifically state that non-payment of the enhanced occupational charges would automatically result in vacating the interim order. He submits that during the subsistence of the interim order the petitioners were forcibly evicted from the suit property and all the belongings of the petitioners are inside the property and a padlock has been put on the said property by the opposite party no. 1 herein. Mr. Basu also drew the attention of the Court to the order passed by the Estate Officer and submits that the said order cannot stand a moments scrutiny as the same is without any reason.

Per contra the learned advocate for the opposite party herein submits that the order containing the detailed reasons has not been annexed to this application. She, however, submits that the petitioners have preferred an appeal under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and the said appeal is at the stage of argument.

Considering the fact that the petitioners have been ousted from the suit property, the issue of enhancement of occupation charges has become an academic issue and for such reason this Court is not inclined to go into such issue at this stage.

Since the order passed by the Estate Officer has been challenged by the petitioners by preferring an appeal under the said Act and the appeal is at the stage of final argument, this Court is of the considered view that ends of justice would be subserved if the learned Judge, 10th Bench, City Civil Court at Calcutta is directed to dispose of the Misc. Appeal No. 48 of 2007 expeditiously.

Accordingly, CO 204 of 2024 is disposed of by requesting the learned Judge, 10th Bench, City Civil Court at Calcutta to take up the final hearing of Misc. Appeal No. 48 of 2007 on the next date fixed and to dispose of the same as expeditiously as possible, preferably by the end of April, 2025, after giving reasonable opportunity of hearing to the respective parties and by passing a reasoned order.

(Hiranmay Bhattacharyya, J.)