

23.04.2025
Sl. No.62
Ct.3/ tkm

W.P.A. 2525 of 2025
[Khadim India Ltd. & Anr. Vs. National Textiles Corpn. Ltd. & Ors.]

Mr. S N Mitra, Sr. Adv.
Mr. S Sarkar, Sr. Adv.
Mr. A Laha
Mr. A Chandra

... .. for the petitioners

Mr. R N Bag, Sr. Adv.
Mr. Anish Kr. Mukherjee
Mr. Sk Md Wasim Akram

... .. for the respondents

1. Affidavit of service is taken on record.
2. The petitioners have filed the present writ petition, being aggrieved by the impugned notices dated 17.12.2024 and 18.01.2025, issued by the Estate Officer, whereby respondent No. 1 initiated proceedings under Section 4 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, seeking the eviction of the petitioners
3. It is the case of the petitioner that he carries on his business as manufacturer and retailer of shoes from the premises in question at 14/10 Gariahat road Kolkata. He further submits that the respondent no. 5 is the absolute owner of the said four storied building and the petitioner is peacefully occupying the said premise by virtue of registered lease deed dated 15th March 2024.

However, all of a sudden the petitioner received a notice dated 30.5.2024 from respondent no. 4 intimating the petitioner that respondent no. 1 is the lawful tenant of the premises in question since 4.4.1971. In the said notice it was expressly mentioned that various litigations were pending between the landlord and the respondent no. 1.

It is an admitted position that the company is in settled possession of the said property and has been enjoying the same at all material times since 4th April, 1977. The said property has been kept under lock and key by the company, since the company is not conducting any operation at present.

Based on the contents of the notice, it can be inferred that the petitioner has unlawfully opened this show-room and is presently carrying out renovation work without any intimation and/or permission of National Textile Corporation (respondent no. 1). Hence, the respondent no. 1 had asked the petitioner to stop the renovation work being carried out on the said premise.

Petitioner responded to the said notice vide communication letter dated 11.6.2024. The respondent initiated proceeding under the Public

Premises Act for eviction of the petitioner from the said premises.

Vide show cause notice dated 25.10.2024 the respondent no. 1 informed the petitioner that the right, title and interest qua the premises in question is vested with respondent no. 1 by virtue of Textile Undertaking (Nationalization) Act, 1972 as amended up to date. The premise in question was declared as a public premise by Government of India vide notification dated 9.11.2012.

4. In view of the same, the respondent no. 1 had asked the petitioner to vacate the premises in question, failing which proceedings under the Public Premises Act would be initiated. The petitioner had replied to the said notice. However, the Estate Officer, appointed under the Public Premises Act, initiated eviction proceedings against the petitioner and issued notices dated 17.12.2024 and 18.1.2025, which led the petitioner to invoke the jurisdiction of this Court.

5. This court has heard the arguments advanced by the parties and perused the records. Respondent no. 1 is claiming his right, title and interest qua the premise in question by virtue of Textile Undertaking (Nationalization) Act, 1972 as

amended up to date. Further, the premise in question has been declared as a public premise vide Government of India notification dated 9.11.2012. There is no evidence on record to show that the said notification was ever challenged by the landlord or the petitioner.

6. Mr. Mitra, learned senior counsel for the petitioners has relied on the judgment of ***Kaikhosrou (Chick) Kavasji Framji vs. Union of India*** reported in **2019 (20) SCC** 705. The facts of the same are not attracted in the present case and are distinguishable.
7. In view thereof this Court is of the prima facie view that the premise in question is a public premise and in order to evict an unauthorized occupant from the public premise, the procedure as prescribed under the Public Premises Act 1971 is to be followed.
8. As per the Act, the Estate Officer has issued a show cause notice. Since this court is of the prima facie view that the premise in question is a public premise, this court is not inclined to interfere with the proceedings initiated by the Estate Officer for eviction of the petitioner. The petitioner is at liberty to appear before the Estate officer and raise all his objections and contentions before him. The Estate Officer shall

consider and decide upon these objections and contentions in accordance with the law.

9. The court has been informed that the petitioner has already submitted a preliminary objection to the Estate Officer, challenging the maintainability of the proceedings. The Estate Officer is free to decide on this objection in accordance with law.
10. It is made clear that no opinion is expressed on the merit of the case.
11. With the above direction, the present writ petition is disposed of.

(Gaurang Kanth, J.)