

05.03.2025
Sl. No. 24
g.b.
Court No.06
265719

CO 771 of 2025

The Board of Trustees for the Port of Kolkata
-Vs-
Samir Ghosh

Mr. Subhankar Nag
Mr. Swarajit Dey
Ms. Debarati Das
Mkr. Saptarshi Kar
.....For the Petitioner

This application under Article 227 of the Constitution of India is at the instance of the Board of Trustees for the Port of Kolkata praying for a direction upon the learned Additional District Judge, 9th Court at Alipore to dispose of the P. P. Appeal No. 9 of 2015 (R-06 of 2015) expeditiously.

Mr. Nag, learned counsel representing the petitioner submits that an unconditional interim order was passed on August 12, 2015. He submits that though an application for vacating the say order has been filed some times in the month of October, 2018 but the interlocutory application for stay as well as the vacating application are still pending.

By referring to the provisions laid down under Section 9 (4) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, Mr. Nag submits that the statute mandates that every appeal under Section 9 shall be disposed of by the Appellate Officer as

expeditiously as possible and attempt shall be made to dispose of the appeal finally within one month from the date of filing of the appeal, after providing the parties an opportunity of being heard.

Mr. Nag further refers to a decision of the Hon'ble Supreme Court in the case of S. D. Bandi Vs. Divisional Traffic Officer, Karnataka State Road Transport Corporation and Ors. reported at (2013) 12 SCC 631 and submits that the Hon'ble Supreme Court in the said decision framed guidelines for both the Union of India/States and Union Territories for better utilization of public premises. In particular Mr. Nag, learned advocate places reliance upon paragraph 33.16 wherein it has been laid down under Section 9(4), disposal of the appeals must be preferably within a period of 30 days in order to eliminate unnecessary delay in disposal of such cases.

Taking note of the aforesaid provisions and guidelines framed by the Hon'ble Supreme Court, this court is of the considered view that a request is to be made to take note of the aforesaid provisions and the guidelines framed by the Hon'ble Supreme Court in the aforesaid decision and to dispose of the pending interlocutory application first and thereafter the P. P. Appeal No. 9 of 2015 (R-06 of 2015) shall be disposed of expeditiously without granting any unnecessary adjournment to either of the parties.

With the above observation and direction, CO 771 of 2015 stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Hiranmay Bhattacharyya, J.)