

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

MAT 806 of 2025

With

IA No.: CAN 1 of 2025

Mr. Nitin Agarwal

Vs.

The Union of India & Ors.

For the Appellant : Ms. Pallavi Chatterjee, Advocate
Mr. Somnath Mukherjee, Advocate

For the Union of India : Mr. S.N. Dutta, Advocate (Through VC)
Mr. Saikat Karfmakar, Advocate

For the State : Mr. Amilabrata Ray, Advocate
Mr. Nilotpall Chatterjee, Advocate
Mr. Sabyasachi Monda, Advocate

For the Respondent no.2 : Mr. Subhankar Nag, Advocate
Mr. Subhashis Sen, Advocate
Mr. Abhishek Banerjee, Advocate
Mr. Proteek Debnath, Advocate
Ms. Mihika Roy, Advocate

Hearing & Judgment on : July 25, 2025

DEBANGSU BASAK, J.:-

1. Appeal is at the behest of the writ petitioner and directed against an order dated May 16, 2025 passed in WPA 5666 of 2025.
2. By the impugned order, the learned Single Judge refused to grant interim protection to the appellant.

3. Appellant claims to be a tenant in respect of an immovable property. Appellant claims that, appellant was tendering rent month by month which the authorities were accepting. Appellant was evicted. Appellant seeks restoration of possession.
4. Learned Advocate appearing for the respondent no.2 draws the attention of the Court to the fact that, the appellant was evicted after proceedings under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 were initiated in respect of the property concerned. Decision of the Estate Officer in this regard was assailed right upto the Hon'ble Supreme Court without success.
5. Learned Advocate appearing for the respondent no.2 draws the attention of the Court to the reliefs sought for in the writ petition. He submits that, the interim relief sought for is in the nature of final relief and that, in the facts and circumstances of the present case, should not be granted.
6. Union of India and the State are represented.
7. Writ petition of the appellant is still pending.
8. Appellant before us is a sub-lessee. Appellant claims that, his movable properties were sold and that he was dispossessed. Appellant sought restoration of possession as an interim measure.
9. Learned Single Judge by the impugned order refused to grant restoration of possession as an interim measure.

10. A proceeding under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 was initiated in respect of the property. In such property appellant is a sub-lessee at best. The decision of the Estate Officer directing eviction was upheld right upto the Hon'ble Supreme Court. Lessee is not before the Writ Court. Appellant claims title through the lessee who lost title.
11. Movable properties found in proceeding under the Act of 1971 are required to be sold by auction. We see no infirmity in such action of the respondent no.2 requiring the appellant to be put in possession as an interim measure.
12. We find no ground to interfere with the order impugned.
13. **MAT 806 of 2025** and IA No.: **CAN 1 of 2025** are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

14. I agree.

(AD)

(Md. Shabbar Rashidi, J.)