

CO 1966 of 2025

**Pradeep Bhawal
Vs.
Sudipta Kumar Indra & Ors.**

Mr. Varun Kothari
Mr. Amit Chatterjee
Mr. Rohit Chatterjee

.. ... for the petitioner

Mr. Rahul Karmakar

... ... for the opposite parties

- 1.This application under Article 227 of the Constitution of India is at the instance of the defendants and is directed against the order dated 20th March, 2025 passed by the learned Additional District Judge, Fast Track Court – I, Sealdah, South 24-Parganas in Ejectment Appeal No.8 of 2024. By the order impugned the execution case was stayed subject to payment of occupational charge.
- 2.Learned advocate appearing for the petitioner submits that considering the age of the building and the locality where it is situated, the occupational charge has been fixed at an exorbitant rate.
- 3.Mr. Karmakar, learned advocate appearing for the opposite parties submits that the learned trial Judge has fixed the amount considering the locality of the premises where it is situated and the extent of the area.

4. After going through the impugned order, this Court finds that the learned trial Judge took note of the fact that the decretal property is situated at North Kolkata, having all civic amenities and it is situated near Phool Bagan Metro Railway Station, Pantaloon Shopping Mall, Sealdah Railway Station, Ultadanga Crossing and the said flat is situated on the 60 feet wide road on its two sides (North and East). Learned Judge of the Fast Track Court took into consideration the location of the property and fixed the occupational charge. This Court is not inclined to interfere with the occupational charge fixed by the learned trial Judge of the 1st Appellate Court, sitting under Article 227 of the Constitution of India.
5. In view thereof, this revisional application stands dismissed.
6. There shall be no order as to costs.

(Hiranmay Bhattacharyya, J.)