

**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 960 of 2024

With

IA No.: CAN 1 of 2024

With

IA No.: CAN 2 of 2024

Milap Roadways Private Limited & Ors.

Vs.

The Kolkata Municipal Corporation & Ors.

With

MAT 961 of 2024

With

IA No.: CAN 1 of 2024

With

IA No.: CAN 2 of 2024

Sachin Ahuja

Vs.

The Kolkata Municipal Corporation & Ors

For the appellants in both the appeals: Mr. Syed E. Huda, Advocate

Mr. Abhishek Purohit, Advocate

Ms. Nabeela Akbar, Advocate

For the KMC in MAT 960 of 2024 : Mr. Srijan Nayak, Advocate

Mr. Arijit Dey, Advocate

For the KMC in MAT 961 of 2024 : Mr. Srijan Nayak, Advocate

Ms. Paushali Banerjee, Advocate

For the respondent nos.7 to 9 : Mr. M.P. Gupta, Advocate

in both the appeals Ms. Antara Panja, Advocate

Ms. Shinjita Ray, Advocate

Mr. Sartak Singh, Advocate

Mr. Aditya Sinha, Advocate

Heard & Judgment on : January 22, 2025

DEBANGSU BASAK, J.:-

1. Two appeals being MAT 960 of 2024 and MAT 961 of 2024 along with connected applications therein are taken up for final hearing as they emanate out of the same impugned order dated January 11, 2023 passed in W.P.A. 11455 of 2022, W.P.A. 18168 of 2022 and W.P.A. 12478 of 2022.
2. There are delay in filing the appeals in both the appeals.
3. Department reports delay of 460 days in making and preferring the appeals.
4. For the ends of justice, the causes shown in the applications for condonation of delay in both the appeals are accepted as sufficient. Delay of 460 days in making and preferring the appeals is condoned.
5. **IA No.CAN 1 of 2024 in MAT 960 of 2024 and IA No.: CAN 1 of 2024 in MAT 961 of 2024** are allowed.
6. As noted above, there are two appeals.
7. MAT 960 of 2024 is at the behest of the Milap Roadways Private Limited who filed a writ petition being W.P.A. 11455 of 2022.
8. MAT 961 of 2024 is at the behest of Sachin Ahuja who filed a writ petition being W.P.A. 12478 of 2022.
9. The appellants in the two appeals before us claimed themselves to be tenants/occupiers in respect of a premises. An order under Section

412A of the Kolkata Municipal Corporation Act, 1980 dated May 20, 2022 was issued in respect of such premises. The appellants in the two appeals assailed such order under Section 412A of the Act of 1980 while the private respondent, namely, Mitesh Banka sought implementation of such order. These are the subject matters of the three writ petitions filed by the private parties against each other.

10. The three writ petitions were heard and disposed of by the learned Single Judge by the impugned order dated January 11, 2023.
11. Appellants in the two appeals before us are aggrieved by the underlined portion of the order impugned which is as follows.

“The tenants/occupiers of the said premises shall be put back in possession of their tenanted/occupied portion subject to the result of the Title Suit No.1307 of 2021 pending before the 12th Bench, City Civil Court at Calcutta.”

12. According to the appellants in MAT 960 of 2024, Milap Roadways Private Limited is not a party to Title Suit No.1307 of 2021 and according to the appellant in MAT 961 of 2024, no civil suit is pending as against such appellant in any Civil Court.
13. We heard the respective parties before us.
14. Materials produced on record including the plaint of Title Suit No.1307 of 2021 will demonstrate that, Milap Roadways Private Limited is not a party to the Title Suit No.1307 of 2021. No record was produced before us to suggest that, there is any civil suit pending against Sachin Ahuja.

15. We dispose of the appeals by placing on record the aforesaid facts as noted in the preceeding paragraph, without no order as to costs.

(Debangsu Basak, J.)

16. I agree.

(Md. Shabbar Rashidi, J.)

(AD)