

27.08.2025
Court No.13
Item No.10-11
pk

MAT 964 of 2017
With
I.A. No. CAN 2 of 2025
CAN 3 of 2025
S. M. Hassan
Vs.
State of West Bengal and others
With
MAT 963 of 2017
With
I.A. No. CAN 2 of 2020(Old No: CAN 1710 of 2020)
CAN 3 of 2025
S. M. Hassan and others
Vs.
State of West Bengal and others

Mr. Debajyoti Basu,
Mr. D. Talukder,

... For the Appellant.

Mr. Satyajit Talukdar,
Mr. Arindam Chatterjee

... For the respondent nos. 3 to 8.

Mr. Indranil Roy,
Mr. Sayan Sinha

... For the respondent no. 9.

Re: CAN 2 of 2025 (MAT 964 of 2017)

1. Sufficient grounds are available to explain the absence of the appellants and/or their Counsel on 06.05.2025.

2. The said order is recalled.

3. Accordingly, CAN 2 of 2025 is disposed of.

4. There will be, however, no order as to costs.

Re: CAN 2 of 2020 (MAT 963 of 2017)

5. Sufficient grounds are available to explain the absence of the appellants and/or their Counsel on 17.01.2020.

6. The said order is recalled.

7. Accordingly, CAN 2 of 2020 is disposed of.

8. There will be, however, no order as to costs.

Re: MAT 964 of 2017 and MAT 963 of 2017

1. The genesis of the proceeding before the Single Bench was an order of eviction passed by a Law Officer of the KIT formerly known as CIT now under the KMDA. The said law officer was acting as Estate Officer delegated by the Chairman and had ordered eviction of all unauthorized occupants in Premise No. 18/1 Bow Street, Kolkata.

2. This Court is surprised to note that rival contentions of a right of possession are being argued by occupiers of servants quarters against each other. In fact of persons claiming to have servant quarters attached to their premises are themselves unauthorized occupants, who have been dealt with by the Law Officer.

3. Counsel for the KIT submits that the Law Officer has uniformly directed eviction of unauthorized occupants irrespective of any rival claims that has been made by the appellants against one and another.

4. This Court firstly sees that the Chief Executive Officer of the KIT is authorized to delegate powers. It is pursuant to this part that the Law Officer, acting as Estate Officer, has ordered eviction of unauthorized occupants of the premises of the KIT.

5. The Act provides for appeals before appropriate civil court. It is submitted that the acts have been

repealed. The repeal of an act cannot stand in the way of parties agitating their grievance before an appropriate civil forum if they have any rights.

6. The authority of the Law Officer according to this Court, to act on behalf of Executive Officer of the CIT, has been rightly decided by the Single Bench. Consequences of the order and its execution shall follow as per the act and the KIT know as KMDA shall be entitled to take steps in accordance with law to execute their orders.

7. This Court does not find any merit in these appeals.

8. Accordingly, both the appeals are dismissed. Consequently connected pending applications are also dismissed.

9. Since CIT/KIT is now merged with the KMDA, let cause title be appropriately amended to implead the KMDA in place of CIT and KIT.

10. There will be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)