

January 30, 2025
AD 26
Ct. 17
SG

WPA 18182 of 2024

Biswaranjan Kuity
vs.
The State of West Bengal and others

Mr. Supriyo Chattopadhyay
Mr. Sudip Kumar Maiti
Ms. Debosri Chatterjee
... for the petitioner

Mr. Somnath Ganguli
Mr. Raja Ram Banerjee
... for the State

Mr. Ashok Kumar Jena
... for the respondent Nos.6 - 8

Heard learned Advocates for the parties.

It appears that in connection with the present issue of eviction, the Division Bench, by an order dated 09.06.2023 passed in MAT 1977 of 2022, inter alia, held as follows:

“7. We make it clear that it is well open to the appellant/Port Trust to approach the police authorities for necessary assistance for the purpose of execution of eviction order, if the order is not stayed.

8. There is a complaint made by the appellant/Port Trust stating the the State authorities are not cooperating with the Port Trust. The Court fails to understand as to why the State is not extending assistance to Port Trust and if that be

true, is it a case whether the State is supporting the encroachers, which if so, it is a very sorry state of affairs. The Port Trust, being a creature of Statute, and the land being allotted to the Port Trust is in public interest. Therefore, the State should take proactive steps as and when the Port Trust authorities approach the police authorities for necessary assistance for executing the orders of eviction passed under the said enactment.

9. *With the above observations, the appeal and the connection application are disposed of.*

10. *The appellant/Port Trust are at liberty to raise all objections in the appeal stated to have been filed in the Misc. Appeal No.13 of 2022 including the issue regarding the maintainability of the appeal.*

11. *Needless to state that since the learned writ Court has not gone into the merits of the orders of eviction, any observations made in this order will not in any manner affect the rights of the parties.”*

Therefore, it is not for this Court to again consider the issue afresh.

It was open to the appellant therein to pray for stay of the execution of the original order before the appellate court taking up Misc. Appeal No.13 of 2022. But, it does not appear that any such order has been passed by the said Court.

Therefore, no further order need be passed in this regard.

Accordingly, the writ petition is disposed of without any further order, even as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of all requisite formalities.

(Jay Sengupta, J.)