

20th August, 2025

Item no.D/L 31
Court No. 14

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 19214 of 2025**

In the matter of :

Howrah Mills Company Limited & Anr.

.... Petitioners

VS.

Union of India & Ors.

.... Respondents

For the Petitioners :

Mr. Suddhasatva Banerjee

Mr. Debraj Shaw

Mr. B.K. Sen

.... Advocates

For the Union of India :

Mr. S.N. Dutta

Mr. Uttam Basak

.... Advocates

For the Respondent Nos. 2&4 :

Mr. Ashok Kumar Jena

.... Advocate

1. The petitioners claim to be in occupation of Plate No. HL-285 measuring about 1243.04 square metres situated at Ramkristopur, Howrah, P.S.-Howrah, District and Registration District-Howrah bounded on the North by the Trustees' open land then Trustees' land occupied by Soorajmull Baijnath, on the South by Southern Spur, on the East by Trustees' land occupied by Howrah Mills Co. Ltd. and on the West by Foreshore Road.

2. Steps were taken by the Estate Officer Syama Prasad Mookerjee Port, Kolkata for evicting the petitioner under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and an order of eviction was passed on 21st June, 2022.

3. The petitioners preferred a statutory appeal and the same is pending consideration before the learned Additional District & Sessions Judge, Fast Track, 3rd Court, Howrah.
4. The petitioners are presently aggrieved by the steps taken by the port authority to put up a portion of the property on auction. According to the petitioners the land which is put up for auction is the land of the petitioners which is the subject matter of appeal pending consideration.
5. The petitioners pray for a direction upon the port authority to cancel the Notice Inviting Tender.
6. The auction notice mentions about a plot being no. 94/25(A). The learned advocate for the port authority submits that the plot number mentioned in the Notice Inviting Tender is not the number of the plot but the same is actually the tender number of the plot. The plot details as mentioned in the Notice Inviting Tender further mentions the plot no. as 94/25(A).
7. It has been brought to the notice of the Court that the petitioners have already filed an application for stay of the tender process before the appeal Court where the appeal against the order of eviction is pending consideration but the petitioner has failed to obtain any order therefrom.
8. It has been submitted that the petitioners are enjoying the land without paying any rent for a considerable period of time. Huge amount of money is due and

payable on account of occupational charges from the petitioners.

9. The petitioners deny the allegation of the port authority.
10. As it appears that the appeal preferred against the order of eviction is pending consideration for a considerable period of time before the learned Additional District & Sessions Judge, Fast Track, 3rd Court, Howrah, accordingly, the appellate forum is requested to consider the petitioners' prayer for early disposal of the appeal.
11. Learned Additional District & Sessions Judge, Fast Track, 3rd Court, Howrah is requested to make an endeavor to dispose of the appeal preferably by 26th September, 2025.
12. Any steps taken by the port authority in furtherance to the Notice Inviting Tender shall abide by the result of the appeal.
13. To avoid multiplicity of proceedings or any legal complication if the appeal is decided in favour of the petitioners, the port authority is directed to disclose the fact of pendency of the appeal to all the bidders.
14. The writ petition stands disposed of.
15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)