

12-09-2025
ct no. 13
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MAT No. 1373 of 2025
With
CAN 1 of 2025

M/s. Fish Agency & Ors.

-Versus-

The Kolkata Metropolitan Development Authority & Ors.

Mr. Rahul Karmakar,
Mrs. Ishita Kundu
... for the appellants.

Mr. Satyajit Talukder,
Mr. Arindam Chatterjee
... for the KMDA

1. Affidavit of service filed in Court is taken on record.
2. The instant appeal is directed against an order dated 19.08.2025 passed by the Single Bench of this Court. The appellants claim to be the original occupiers and permit holders to run retail outlets at the Howrah Fish Market. At the relevant point of time, the market was under the Howrah Improvement Trust (HIT).
3. Four appellants sometime in 1983 were allotted one stall being no. 141 and possession was taken by them. They occupied the stall until 2018 and still continue to do so. The HIT came to be taken over by the KMDA sometime in 2012.

4. The KMDA had decided to shift the said Howrah Fish Market to a new location pursuant to orders passed by the Green Bench of the High Court at Calcutta.

5. About 25 shop rooms in the new fish market complex were proposed to be auctioned by the KMDA. The appellants launched themselves immediately and filed WPA 22380 of 2018, inter alia, claiming firstly the allotment shop rooms in the new fish market could not have been done by the public auction since there was a vested right in the petitioners to one shop room each against each of their permits for selling fish that four petitioners were enjoying. They based such claim on an order dated 26th September, 1997 passed by a Division Bench of this Court in C. O. 20737(w) of 1996. It appears to this Court that in the said order the Co-ordinate Bench has only directed the HIT to consider the case of allotment of one shop room to one permit holder. There were no binding directions on the HIT to make such allotment. No reasons appear to have been assigned the said Bench to pass the orders-in-question.

6. Having regard to the above, the Single Bench by the impugned order declined a prayer of the appellants to stall the public auction being conducted by the KMDA for leasing out 25 shop

rooms in the market complex in the new Howrah Fish Market Complex.

7. This Court is of the view that the petitioners/appellants have not been able to demonstrate any vested right to be allotted any shop room or for interfere with an auction process for grant of lease to 25 shop rooms.

8. In fact, no such right exists in the petitioners, who are at best permit holders to sell fish. The four petitioners are already having a shop room in the new complex.

9. It is curious to note that an interlocutory application is made for the first time in 2025 after the writ petition was filed in the year 2018.

10. The argument advanced by the learned counsel for the appellants under the principle of legitimate expectation is not acceptable to this Court. Doctrine has been substantially watered down since after the decision of the Supreme Court in the case of **F.C.I. Vs. Kamdhenu Cattle Feed** reported in **(1993) 1 SCC page 71**. It was held that unless such expectation can mature into promissory estoppels, permitting such legitimate expectation to persist would cause serious prejudice to the State Distribution of the largess.

11. For the reasons stated herein above, the impugned order calls for no interference whatsoever.

The writ petition may also have become infructuous since interim relief denied to the writ petitioners formed the core of the writ petition. Nothing further survives in the said writ petition. WPA 22380 of 2018 shall stand dismissed.

12. MAT 1373 of 2025 is dismissed. Consequently connected pending application is also dismissed.

13. 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.)