

Court No. 6
(265719)

11.09.2025
(AD 17)
(S. Banerjee)

CO 3334 of 2025

Md. Sohrab
Vs.
Kolkata West International City Private Limited & Ors.

Mr. Subhasis Sengupta
Mr. Amitabh Ray
Mr. Anuragh Bagaria
Mr. Krishnendu Mondal

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant no. 1 and is directed against order no. 45 dated May 3, 2025 passed by the learned Civil Judge (Jr. Division) 4th Court at Howrah in Title Suit No. 1539 of 2018. By the order impugned, the application under Order 7 Rule 11 of the Civil Procedure Code filed by the defendant no. 1, stood rejected.

Learned advocate appearing for the petitioner submits that the suit has been filed without serving any notice under Section 80 of the Civil Procedure Code. In view thereof, the plaint is liable to be rejected.

After going through the plaint this court finds that the plaintiff/opposite party no. 1 herein filed a suit for a decree for recovery of possession against the

defendant no. 1 from C schedule property which is the part of A schedule property upon a declaration that the opposite party no. 1 is a lawful lessee of the A schedule property as per the registered lease deed dated November 20, 2017 and for permanent injunction restraining the defendant no. 1 from encroaching any further portion of the A schedule property beyond the property described in schedule B and from changing the nature and character of the suit property. After reading the averments made in the plaint this court finds that the opposite party no. 1 has claimed relief against the defendant no. 1/petitioner herein in the form of recovery of possession and for permanent injunction. The learned trial judge was right in holding that though the plaintiff claims to be a lessee in respect of A schedule property upon execution of the deed of lease by the defendant no. 2, namely, KMDA, no notice under Section 80 of the Civil Procedure Code is required to be served upon the KMDA as KMDA cannot be said to be a government within the meaning of Section 80 of the Civil Procedure Code. The learned trial judge after taking note of the decisions of the Hon'ble Supreme Court and the provisions of Section 80 of the Civil Procedure Code correctly applied the law laid down by Hon'ble Supreme Court to the facts of the case and was right in holding that the said provisions of

Section 80 CPC do not stand attracted to the case on hand.

For such reason, this court is not inclined to interfere with the order impugned. Accordingly, CO 3334 of 2025 stands dismissed.

(Hiranmay Bhattacharyya, J.)