

D/L
Item No. 26
10.09.2025
KOLE
265719

CO 3337 of 2025

**Syama Prasad Mookherjee Port
-Vs.-
M/s. S. D. Harry & Company Pvt. Ltd.**

*Mr. Subhankar Nag,
Mr. Amit Meheria,
Ms. Paramita Banerjee,
Mr. Sayan Dey,*

...for the petitioner.

This application under Article 227 of the Constitution of India is at the instance of the Shyama Prasad Mookherjee Port and praying for a direction upon the learned Additional District Judge, 15th Court at Alipore to dispose of the P.P. Appeal No. 20 of 2018 expeditiously.

Mr. Nag, learned Advocate appearing for the petitioner submits that the P. P. Appeal is pending from the year 2018. Mr. Nag places reliance upon an order dated 14th May, 2025 passed in a batch of civil revisional applications, the lead case being CO No. 1167 of 2024 in the case of Syama Prasad Mookherjee Port, Kolkata-vs.-Bhagirath Kejriwal & Ors., in support of his contention that such an appeal is required to be disposed of expeditiously.

This court after taking note of the provisions of Section 9 (4) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 and the decision of the Hon'ble Apex Court in the case of S.D. Bandi-vs.-Divisional Traffic Officer, Karnataka State Road Transport Corporation & Ors, reported in **(2013) 12 SCC 631**, observed that the P.P. Appeal is

required to be disposed of expeditiously. The relevant portion of the said order is extracted hereinafter:-

“Sub-Section (4) of Section 9 of the 1971 Act states that every appeal filed under Section 9 of the 1971 Act shall be disposed of by the appellate officer as expeditiously as possible and every endeavour shall be made to dispose of the appeal finally within one month from the date of filing the appeal, after providing the parties an opportunity of being heard.

It would be relevant to note that sub-section (4) of Section 9 was substituted by Act II of 2015 with effect from June 22, 2015. Sub-section (4) of Section 9 prior to its substitution was as flows:-

“Every appeal under this Section shall be disposed of by the appellate officer as expeditiously as possible”.

The object of the 1971 Act which is to provide for the eviction of unauthorized occupants from the public premises and for certain incidental matters.

Thus, it is evident that the time limit of one month was incorporated by way of substitution in the light of the suggestions given by the Hon’ble Supreme Court in the case of S.D. Bandi (supra).

Therefore, the appellate officer while deciding an appeal under Section 9 of the 1971 Act has to keep in mind the time limit fixed for disposal of appeal under the 1971 Act while deciding such appeals.”

In view of the order sought and proposed to be passed, there is no necessity to serve a notice upon the opposite party. However, learned Advocate on record for the petitioner shall be obliged to forward a copy of this application along with this order to the opposite parties/learned Advocate representing the opposite parties before the learned Trial Judge.

This Court finds that the instant miscellaneous appeal has been filed sometimes in the year 2018 and the same is still pending.

In view thereof, CO. No. 3337 of 2025 is disposed of by requesting the learned Additional District Judge, 15th Court at Alipore to dispose of the *interlocutory* applications, if any, pending within a period of four weeks from the next date fixed and thereafter dispose of the P.P. Appeal No. 20 of 2018 as expeditiously as possible but preferably within a period of one month from the next date fixed for hearing of the appeal without granting unnecessary adjournments to either of the parties.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Hiranmay Bhattacharyya, J.)