

S/L 3
29.04.2025
Court No.17
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 27557 of 2024

Ram Pravesh Chaturvadi @ Ram Pravesh Chaturvedi
Vs.
The Calcutta State Transport Corporation & Ors.

Mr. Phiroze Edulji, Sr. Adv.
Mr. Anindya Bose
Ms. Priyanka Bhattacharya

... for the Petitioner.

Mr. N.C. Bihani, Sr. Adv.
Mr. Soumyajit Ghosh
Mr. Soumya Mukherjee

... for the CSTC.

The Calcutta State Transport Corporation ('the Corporation' in short) on July 14, 2005 had granted license to the petitioner to run a Cafeteria at Babughat Bus Stand, Kolkata for a period of two years.

The said grant had continued till 2010; thereafter, the petitioner was allowed to occupy the said cafeteria on rent.

The Corporation, in the year 2014, had floated a tender for grant of license to eligible person(s) to run the said cafeteria. The petitioner had participated in the said tender and was found eligible; in pursuance thereof, an agreement was entered into by and between the Corporation and the petitioner on February 25, 2016 whereby license was granted to the petitioner to run the said cafeteria for a period of three years with effect from February 01, 2015.

The Corporation, by a notice bearing No. 958-CSTC dated October 28, 2024 has asked the petitioner to vacate the said cafeteria; the said notice is under challenge in the instant writ petition.

Mr. Phiroze Edulji, learned senior advocate for the petitioner submits that the subject cafeteria is situated on a Public Land as defined under Section 2(7) of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962; as such, the Corporation is required to initiate a proceeding under the said Act of 1962 to evict the petitioner from the said cafeteria and such proceeding must be preceded by issuance of a notice under Section 3 thereof. The impugned notice does not qualify the requirement of the provision of Section 3 of the said of 1962; as such, is liable to be quashed.

Mr. N.C. Bihani, learned senior advocate for the Corporation submits that though a proceeding under the said Act of 1962 has not yet been initiated but the impugned notice *does* qualify the requirement of Section 3 of the said Act of 1962. Moreover, the license period since has already expired, the petitioner has no right to remain in the subject property.

Heard learned advocates for the parties; perused the materials on record.

The alleged unauthorized occupant of the public land can only be evicted by taking recourse of the said Act of 1962; section 3 thereof contemplates issuance of a notice to show-cause to the alleged unauthorized occupant. The impugned notice does not qualify the requirement of such notice; therefore, is not sustainable and is accordingly quashed and set aside.

However, the Calcutta State Transport Corporation is free to take proper recourse under the said Act of 1962 to evict the petitioner from the subject cafeteria.

WPA 27557 of 2024 is disposed of without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)