

05.03.2026
Item No.04 (DL)
Court No.06
AJ.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 750 of 2026

Mr. Hari Bansh Singh & Ors.

-Vs-

**The Board of Trustees of the
Port of Kolkata & Anr.**

Mr. B.P. Singh Dhakray,
Mr. Shakti Singh Dhakray,
Mr. Pradeep Kumar.
.....for the petitioners.

1. This revisional application is directed against an order dated February 17, 2026 passed by the learned Additional District Judge, 4th Court, Howrah in Misc. Appeal No.40 of 2018 filed under Section 9 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

2. By the said order, the learned Additional District Judge has fixed a date for hearing the issue as regards maintainability of the miscellaneous appeal.

3. The petitioners are aggrieved by the said order.

4. Learned Advocate appearing for the petitioners submits that the learned Appellate Court had by an order dated March 08, 2018 already decided the issue as regards maintainability and as such it is not open to the Court to get into such issue again.

5. The order dated March 08, 2018 evinces that on the said date, the Court had admitted the appeal upon being "*prima facie satisfied*" that there was sufficient merit in the appeal.

6. It is thus evident that the issue as regards maintainability of the appeal was not finally decided on the said date. In such view of the matter, there is nothing wrong in the Court fixing a date for hearing and deciding the issue of maintainability of the appeal.

7. The petitioners shall have all opportunity to satisfy the Court that the appeal is maintainable on the date when the said issue is taken up for hearing.

8. This Court is therefore convinced that the learned Additional District Judge, 4th Court, Howrah has not committed any illegality or material irregularity in passing the order dated February 17, 2026 impugned herein.

9. In such view of the matter, no interference is called for. C.O. 750 of 2026 stands dismissed. No costs.

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

(Om Narayan Rai, J.)