

10.03.2026
Court No.25
D/L No.41
S. Gayen

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 5824 of 2026

M/s. Metal Forge
Versus
The State of West Bengal & Ors.

Mr. Kaunish Chakraborti
Mr. K.S. Haque
Mr. Sandipan Das

...for the Petitioner

Mr. Jayanta Samanta
Mr. Tapas Ballv Mandal

...for the State

Mr. Kamal Kumar Chattopadhyay
Ms. Rimi Chatterjee
Mr. Abhisek Sikder

...for the Respondent Nos.4 & 5

1. The petitioner has filed the present writ application praying for quashing of the notice dated 24th February, 2026 wherein and whereunder the prescribed authority and Estate Manager, the WBSEDCL has directed the petitioner to vacate the premises, i.e., plot No. 37/1A and plot No. 37/1B of Kasba Industrial park/Estate, Phase-1, Kolkata for resumption of the possession of the same under Sub-Section (1) of Section 3 of the West Bengal Government Premises (Tenancy Regulation) Act, 1976.
2. Though the matter is listed today as item No. 41 but the learned counsel for the petitioner has mentioned the matter for urgent hearing on the ground that the respondent authorities have already reached the

premises of the petitioner for taking possession of the premises in question.

3. Learned counsel for the petitioner submits that there was a lease agreement entered between the petitioner and the authorities and the validity of the lease period is 75 years and it is up to 2077 but the authorities without considering the lease period which is in existence have issued the order of eviction.
4. *Per contra*, learned counsel for the respondent authorities has brought to the notice dated 30th June, 2023 wherein the Estate Manager has issued the notice to the petitioner for hearing on 18th July, 2023. The partner of the petitioner has appeared before the authorities on the date of hearing and the Estate Manager instructed the petitioner to immediately vacate the space within one month positively. On 16th December, 2025 the final order was passed directing the petitioner to vacate the possession and to hand over the possession of the premises to the authorities. In the said notice, it was also informed to the petitioner that if the petitioner is aggrieved with the said order, the petitioner can approach before the appellate authority within 30 days from the date of service of notice. Though the order dated 16th December, 2025 was served upon the petitioner but the petitioner has neither made any endeavour to prefer any appeal against the order nor the petitioner has vacated the

premises. Accordingly, the authorities have issued the order on 24th February, 2026 fixing the date and time of eviction of the petitioner on 10th March, 2026 at 12:00 noon.

5. The petitioner has not disclosed the notice issued by the authorities in the year 2023 or the order dated 16th December, 2025. When the matter is taken up for hearing, the first submission of the petitioner before this Court that the authorities have not issued any notice and without any opportunity of hearing the authorities have passed the eviction order dated 24th February, 2026. When the respondents appeared before this Court, the respondent authorities have shown the documents which reveals that the eviction process against the petitioner was started in the year 2023 and the petitioner has participated in the said proceeding. The petitioner has suppressed the said fact before this Court and only disclosed the impugned order dated 24th February, 2026. The petitioner by suppressing the material fact intending to obtain an interim order.
6. Learned counsel for the respondents submits that the respondents have taken possession of the premises in terms of the order dated 24th February, 2026 at 12 noon today, i.e., on 10th March, 2026.
7. Learned counsel for the respondents has drawn the attention of this Court to the provision of Section 3

Sub-Clause (2)(i) of the West Bengal Government Premises (Tenancy Regulation) Act, 1976 wherein it provides that every tenancy held by a tenant in respect of a Government premises shall stand terminated upon the expiry of the period referred to in a notice to quit served upon such tenant in the prescribed manner, or violation of the terms of the lease.

8. In the present case it is not that the lease period has been expired but the petitioner has violated the terms and conditions of the lease. As regard the violation of the terms and conditions, notices have been issued to the petitioner. The petitioner has appeared before the authorities and subsequently the authorities have passed the order of eviction on 16th December, 2025. The petitioner has neither preferred any appeal against the order of eviction nor has challenged the same in the present writ petition.
9. Considering the above, this Court finds that the petitioner has filed the present writ application by suppressing the material fact wherein the authorities have already passed an order of eviction on 16th December, 2025 and the order is neither under challenge nor the petitioner has filed any appeal against the eviction order.
10. Accordingly, WPA 5824 of 2026 is dismissed.
11. There will be, however, no order as to costs.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
13. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)