

Court No. 19
(265719)

WPA 11869 of 2026

09.06.2026

(AD 4)

(S. Banerjee)

M/s. Kishori Mohan Dutta & Bros. (Dutta Cabin)

Vs.

The Union of India & Ors.

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh
Ms. Debolina Ghosh

...for the petitioner

Mr. Dhiraj Kumar Tribvedi, Ld. DSGI
Ms. Debjani Ghosal

...for the respondent nos. 2 to 5

Mr. Subhankar Nag
Mr. Abhishek Banerjee

...for the respondent no. 6

The petitioner has approached this Court apprehending that the petitioner shall be evicted the property wherefrom the petitioner is carrying on a restaurant and hotel under the name and style of 'M/s. Kishori Mohan Dutta & Bros. (Dutta Cabin)' from premises situated at 4/3, Rishi Bankim Chandra Road under Howrah Police Station in the district of Howrah, which is adjacent to the Howrah Railway Station, more particularly plot nos. HL 25/1, HL 25/3 and HL 25/3/1 by the authorities of Eastern Railway.

Mr. Banerjee, learned advocate appearing for the petitioner submits that the authorities of the Eastern Railway are taking steps to demolish the property in question wherefrom the petitioner is

carrying on the business and in support of such contention he draws the attention of the Court to the eviction notice issued by the order of the railway administration which is annexed at page 43 of the writ petition. He further submits that the said property was allotted by the authorities of the Syama Prasad Mookerjee Port, Kolkata to the petitioner and, therefore, the authorities of the railway administration cannot evict the petitioner from the said property.

Mr. Trivedi, learned DSGI, files the written instruction dated June 8, 2026 issued by the Senior Divisional Engineer (HQ), Eastern Railway, Howrah, which is taken on record. A copy of such written instruction has already been handed over to Mr. Banerjee, learned advocate appearing for the petitioner.

Mr. Trivedi submits that the said eviction notice do not pertain to the property which is the subject-matter of dispute in this writ petition. In the written instruction it has been stated that the railway authorities had never pasted any eviction notice at the premises which is the subject-matter of the writ petition.

The submission of Mr. Trivedi is placed on record.

Mr. Nag, learned Senior Advocate appearing for the Port Trust authorities submits that the Port Trust authorities have initiated steps to evict the petitioner from the property in question and an eviction order has been passed by the Estate Officer.

Mr. Banerjee, however, submits that the petitioner has preferred an appeal challenging the said eviction order under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and an order of stay has also been passed.

However, Mr. Banerjee in his opening submissions, clarified that the grievance of the petitioner in this writ petition is only directed against the railway authorities and not the authorities of the Port Trust.

Since it is the specific stand of the railway authorities that they have not taken any step to evict the petitioner from the property in question, the writ petition stands disposed of recording the submissions of the railway authorities.

(Hiranmay Bhattacharyya, J.)