

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/16/2026

M/S. TAHER BROTHERS AND OTHERS
VS
SYAMA PRASAD MOOKERJEE PORT AUTHORITY,(FORMERLY KOLKATA
PORT TRUST) AND OTHERS

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 9th April, 2026.

Appearance:

Mr. Arik Banerjee, Adv.

Mr. R.V. Kundalia, Adv.

Mr. Altamash Alim, Adv.

Mr. Sourav Mondal, Adv.

...for the petitioner.

Mr. Subhankar Nag, Adv.

Mr. A. Meharia, Adv.

Ms. Paramita Banerjee, Adv.

Mr. Rohan Raj, Adv.

Mr. Tamoghna Chattopadhyay, Adv.

...for respondents.

1. The petitioner has filed the present writ application challenging the pre-tender process initiated by the respondent authorities on 8th July 2025 for allotment of land in between Circular Railway Track & Strand Road adjacent with BBD Bag Circular Railway Station, being plot No. 105/25 (A), on long term lease of 30 years, 'as is where basis' without renewal option against the payment on annual rent/upfront basis.
2. The petitioner submits that the petitioner is in possession of the property in question. Unless and until the petitioner is not evicted without due process of the law, the respondent Authorities cannot put a third party in the premises in question. Per contra, learned Advocate appearing for the respondent Authorities submit that the respondents have already initiated a proceeding against the petitioner for their

eviction before the Estate Officer under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 and the proceeding is pending before the Estate Officer.

3. The learned Council for the petitioners submits that the proceeding before the Estate Officer is only with respect to the petitioner no. 1 and the other petitioners have not received any information with regard to initiation of proceeding by the respondent under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.
4. Considering the above, this Court finds that the petitioners are in possession of the property in question. The petitioners cannot be evicted illegally. The respondents have already initiated the proceedings under the Public Premises Act and the same is pending before the concerned authority.
5. In view of the above, the writ petition being WPO/16/2026 is disposed of, by directing the respondent Authorities not to disturb the possession of the petitioner till the final order passed by the Estate Officer, if any initiated by the respondents.
6. It is made clear that if any proceeding has been initiated by the Estate Officer on the request of the respondent Authority, the Estate Officer shall conclude the proceeding after giving an opportunity of hearing to all the petitioners.

(KRISHNA RAO, J.)