

Misc. Appeal No. 111 of 2022

Present : Jayashree Banerjee, Chief Judge(WB 01049)

Order No. 26 dated 10.02.2025 :

Ld. Counsel for the appellant as well as respondents both are present.

It is submitted by the Ld. Counsel for the respondent (Kolkata Port Trust, renamed as Syama Prasad Mookerjee Port, Kolkata) that the appropriate authority is yet to pass an order deciding on the point as to whether the respondents are owners of the disputed land. Such final order is reserved to be passed on 27.02.2025.

It is the suggestion of the Ld. Counsel appearing for the appellant, till the appropriate authority passes necessary orders as regard the point that whether or not the respondents are owner of the property in question, the instant misc. appeal pending before this Court may be stayed.

Such suggestion of the Ld. Counsel appearing for the appellant was vehemently opposed by the Ld. Counsel for the respondents.

It is also the contention of the Ld. Counsel for the appellant that the sketch map that has been given by the respondent authority does not tally with the sketch map sent along with the escheat notice. Therefore, to ascertain whether the sketch map served upon the appellant along with the escheat notice and the sketch map that is relied upon by the respondent is showing the same area, has to be ascertained by an Engineer Commissioner.

Having heard the Ld. Counsels and appreciating the submissions of both the Ld. Counsels appearing for the parties, this Court is inclined to pass an order staying the hearing of the instant appeal till such time, the competent authority passes its final order on 27<sup>th</sup> of this month.

Interim order granted previously by this Court on 01.11.2022 is extended till the next date (12.03.2025) of hearing of the instant appeal. As regard appointing an Engineer Commissioner to ascertain and report back to the Court after consulting the sketch map submitted by the respondents and the one that is served upon the appellant with the escheat notice, refers and indicates the same area will be considered on the next date of hearing of this appeal

Let the matters stand adjourned till **12.03.2025**.

Dictated & corrected by me,

Chief Judge

Chief Judge  
City Civil Court, Calcutta.

