

IN THE COURT OF DISTRICT JUDGE,
SOUTH 24-PARGANAS AT ALIPORE

P.P. Appeal No. 20 of 2026

Present : Sri Biswarup Bandyopadhyay (WB01133) District Judge, South 24-
Pgs. Alipore

Order No. 03 dated 03.06.2026

Today is fixed for hearing.

Appellant as well as respondents are present by filing hazira through their respective learned advocates.

Written Objection against the application for stay has been filed on behalf of the respondent.

Learned Counsel appearing for the appellant as well as respondents are present before this Court.

The application for stay is taken up for hearing.

Ld. Advocate for the appellant prays for stay of the operation of the impugned order dated 18th May, 2026, in Proceeding No. 944 and 944/R of 2008 passed by the Ld. Estate Officer manifesting the grounds that there is urgency in the matter and if an order of interim stay is not passed, then the appellant will suffer from irreparable loss and injury which may not be compensated by monetary value. Ld. Advocate further submits that if an order of interim protection is not granted, then there is every likelihood that the respondents shall evict the appellant from the suit property.

Per contra, Ld. Advocate for the respondents raises vehement objection to the application for stay and submits that if an order of stay in respect of the operation of the impugned order is to be granted in favour of the appellant, then the appellant must pay occupational charges commensurate to the prevailing market rate in respect of the suit property.

Heard the submissions made on behalf of both parties.

Perused the record including the impugned order and the application for stay.

Upon perusal of the record and upon appraisal of the submissions made on behalf of both parties, this Court is of the view that there is certainly urgency manifested from the case record and if an order of interim stay is not granted for a limited period, then the very purpose of filing of the instant P.P. Appeal would be rendered infructuous and the appellant would suffer from irreparable loss and injury. Refusal to pass an order of interim stay may also tantamount to multiplicity of proceedings.

In so far as the payment of occupational charge is concerned, this Court is of the view that without first assessing the actual market rent prevailing in the area where the suit property is situated and without the parties placing on record relevant materials and calculations apropos the

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prevailing market rent, no occupational charge can be decided by the Court at this stage upon hearing the respondent unilaterally.

Hence,

it is,

ORDERED

that let there be an interim stay of the operation of the impugned order dated 18th May, 2026, in Proceeding No. 944 and 944/R of 2008 passed by the Ld. Estate Officer, Syama Prasad Mookherjee Port, Kolkata till **17.06.2026**. The interim stay is granted subject to determination of occupational charge in course of disposal of main stay application on the next date.

The parties are directed to place on record relevant materials with regard to determination of occupational charge upon supply of copy thereof to the other sides in advance.

Fix **17.06.2026** for hearing of stay application along with determination of occupational charge.

Dictated and corrected by me
Sd/-Biswarup Bandyopadhyay
District Judge, Alipore.

Sd/-Biswarup Bandyopadhyay
District Judge, Alipore.