

D/L- 6
22/05/2026
Ct. No.-19
Aritra

WPA 11249 of 2026

Rajesh Mohta

Vs.

The Syama Prasad Mookerjee Port & Ors.

Mr. Sukanta Chakraborty
Mr. Arpan Guha
Mr. Partho Sarathi Biswas

....for the petitioner

Mr. Subhankar Nag
Mr. Debayan Sen
Mr. Niket Ojha

....for the Port Trust Authorities

The petitioner has challenged the action of the Syama Prasad Mookerjee Port, Kolkata in sealing the godown of the petitioner on April 16, 2026.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that immediately thereafter, the petitioner submitted a representation raising objection against the illegal sealing of the property. He submits that no decision on such representation has been communicated to the petitioner till date.

Mr. Nag, learned advocate appearing for the Port Trust Authorities submits that an eviction order has been passed under Section 6 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. There is a provision of appeal under the relevant statute and in view of the existence of alternative and efficacious remedy, this Court should not entertain the instant writ petition. He further submits that on and from the year 2002 till date the

petitioner has not paid a single farthing. He submits that as on date a sum of Rs.65 lakhs and odd is lying due and recoverable from the petitioner. He submits that the petitioner enjoyed the godown in question and exploited the same for commercial purpose without payment of any occupation charges.

Mr. Chakraborty, learned advocate for the petitioner submits that no statements of accounts have been furnished to the petitioner as yet. However, Mr. Chakraborty, on instruction, submits that a sum of Rs.20 lakhs and odd may be due and payable by the petitioner on account of user of the godown.

It appears from the materials disclosed in this writ petition that a final order of eviction was passed on June 13, 2001.

Mr. Chakraborty would contend that the eviction order is not directed against the petitioner but against one Dwarka Prosad Agarwalla, who has inducted the petitioner in the godown in question.

However, it appears from the order dated June 13, 2001 that the petitioner appeared in the said proceedings and made a submission in support of his contention for grant of direct tenancy under the Kolkata Port Trust. Thereafter, the Port Trust Authorities have issued a letter to the petitioner communicating the terms of such direct tenancy as well as the amount to be paid by the petitioner.

On a query of the Court, Mr. Chakraborty, learned advocate for the petitioner did not dispute the submission

of Mr. Nag that no payment has been paid by the petitioner after September, 2002. Though the Port Trust Authorities claimed that a sum of Rs.65 lakhs and odd is due and the petitioner admits that a sum of Rs.20 lakhs and odd is lying due and payable, this Court is of the considered view that in order to get an interim protection the petitioner show his *bona fide* and pay the admitted dues in the meantime.

The petitioner is directed to deposit a sum of Rs.20 lakhs with the Port Trust Authorities on or before June 12, 2026.

The authorities of the Port Trust are restrained from taking any coercive steps against the petitioner as well as from holding auction in respect of the godown in question till June 12, 2026. If the amount as aforesaid is deposited within June 12, 2026, the order of injunction shall continue till the end of the month of June, 2026 or until further orders, whichever is earlier.

The issue of maintainability of the writ petition is kept open.

The statement of accounts filed by Mr. Nag is taken on record.

A copy of statement of accounts has been supplied to Mr. Chakraborty, learned advocate for the petitioner in course of hearing of this writ petition.

It will be open to the petitioner to come back with necessary instruction insofar as the statement of accounts is concerned.

It is, however, made clear that the payment and acceptance of the aforesaid amount will be without prejudice to the rights of the respective parties.

List this matter on June 15, 2026 under the heading “Motion”.

(Hiranmay Bhattacharyya, J.)