

**In the High Court at Calcutta**

Civil Appellate Jurisdiction

Appellate Side

21.04.2026

Item No.7

Ali

ct. no.9

**SAT 80 of 2024**

**With**

**IA No.:CAN/1/2024, CAN/2/2026**

**Bikash Sarkar**

**Vs.**

**Parimal Kumar Deb & Ors.**

Mr. Ayan Banerjee,  
Ms. Debjani Sengupta

.....for the appellant.

Mr. Sanjib Kumar Mukhopadhyay,  
Ms. Nargish Parveen

...for the respondents.

1. Learned advocates for the parties are present.
2. This appeal which is already admitted cannot be taken up for hearing as the paper books have not been filed in the meantime. The respondents have filed an application for occupation charges at the rate of Rs. 50,000/ per month which is to be considered and decided. Such prayer is opposed by the learned advocate for the appellant.
3. Upon considering the petition and upon hearing the learned advocates and the decision in the case of Atma Ram by the Hon'ble Supreme Court this Court is of the view that as fair and reasonable occupation charges is to be paid by a person who has suffered an eviction decree it would be just and proper that a Special Officer be appointed to cause enquiry at the

suit property and submit the report. Thus, the Special Officer is appointed to conduct an enquiry at the suit property. The learned Special Officer shall upon notice to both parties and their learned advocates visit the suit property take measurement of the area with the help of the surveyor ascertain the age of the suit property take photograph of the same and ascertain the rent prevailing in the area with regard to the similar type of properties. Upon causing the inspection the learned Special Officer shall submit the report. The cost of inspection and the remuneration of the Special Officer shall be shared equally by the parties. The learned Special Officer shall upon communication of this order proceed to the suit property on or before 11<sup>th</sup> May, 2026. Upon completion of the enquiry the said report shall be submitted on 15<sup>th</sup> May, 2026.

4. Mr. Subhabrata Basu, Advocate Phone No. 9831004115, Special Officer at a remuneration of 800 GM to be shared by the parties.
5. Let this matter appear on 15<sup>th</sup> May, 2026 for report of the Special Officer and further orders.
6. The interim order granted earlier stands extended for a period of five weeks or until further orders whichever is earlier.

**(Biswaroop Chowdhury, J.)**