

D/L- 39 & 40
11/08/2026
Ct. No.- 6
Aritra

C.O. 2615 of 2026

**With
C.O. 2161 of 2026**

**IMC Limited
Vs.
Board of Major Port Authority of
Shyama Prasad Mookherjee Port,
Kolkata**

Mr. Aniruddha Chatterjee, Sr. Adv.,
Mr. Sarosiji Dasgupta
Mr. Sushojit Dasgupta
Ms. Mini Agarwal
Ms. Devanshi Deora

....for the petitioner
in both the matters

Mr. Subhankar Nag
Ms. Shinjita Ray

....for the opposite party
in both the matters

In Re.:- CO 2615 of 2026

In this application under Article 227 of the Constitution of India the order dated July 1, 2026 passed by the Estate Officer in a proceeding under Section 4 (2) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 has been challenged.

Mr. Chatterjee, learned senior advocate appearing for the petitioner submits that July 1, 2026 was fixed for filing of the written statement by the petitioner. He submits that on that date the written statement was filed and without affording any opportunity to the petitioner to produce the evidence and to advance arguments in support of their case, the Estate Officer has concluded the hearing of the said proceedings and reserved the matter for passing final orders.

Mr. Nag, learned advocate appears for the opposite party. He submits that suggestion has been given by the Hon'ble Supreme Court in the case of *S.D. Bandi vs. Divisional Traffic Officer, Karnataka State Road Transport Corporation and ors.*, reported at (2013) 12 SCC 631 that the proceedings for eviction has to be concluded

expeditiously and within the period of 15 days from its initiation. He submits that in terms of the said suggestion, the 1971 Act was amended accordingly sometimes in the year 2015. He submits that the Estate Officer proceeded in accordance with the provisions of the said statute.

Upon a conjoint reading of Section 4(2) and Section 5(1) of the 1971 Act, this Court finds that if after considering the cause, if any, shown by any person in pursuance of a notice under Section 4 and any evidence produced by him in support of the same and after personal hearing, if any, given under sub-clause (ii) of clause (b) of sub-section (2) of Section 4, the Estate Officer is satisfied that the public premises are in unauthorised occupation, the Estate Officer shall make an order of eviction for reasons to be recorded therein.

Thus, the statute provides for evidence to be led by the persons, who is/are alleged to be in occupation and after a personal hearing an order of eviction can be passed under Section 5 of the 1971 Act.

From the order dated July 1, 2026, this Court finds that on the date fixed for filing of the written statement the Estate Officer after taking the written statement on record concluded the hearing and reserved the matter for passing orders. It appears to this Court that no opportunity was afforded to the petitioner to produce any evidence and no effective opportunity of personal hearing was also afforded to the petitioner.

The principles of natural justice as well as the mandate of the statute has been grossly violated by the Estate Officer in the case on hand.

For such reason this Court is inclined to interfere with the order dated July 1, 2026. The portion of the order dated July 1, 2026 passed by the Estate Officer in connection with the Notice No.E.O/4(20/IMC/46 insofar as it recorded that the hearing of the matter is concluded and the final order is reserved is set aside and quashed.

The proceeding is restored to the file of the Estate Officer. The Estate Officer is directed to proceed with the matter strictly in accordance with the provisions of the said statute and dispose of the same as expeditiously as possible.

Accordingly, CO 2615 of 2026 stands disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

In Re.:- CO 2161 of 2026

List this matter on August 13, 2026 under the same heading.

(Hiranmay Bhattacharyya, J.)