

24.07.2026
Item No.01 (DL)
Court No.07
AJ.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 2206 of 2026

**Ms/ Hada Brothers Pvt. Ltd.
-Vs-
Shyama Prasad Mookerjee Port, Kolkata**

Mr. Rajarshi Dutta,
Mr. D. Chadda,
Mr. Rohan Bhalotia,
Mr. Ayush Bhalotia,
Mr. Abhishek Agarwal.
.....for the petitioner.

Mr. Subhankar Nag,
Ms. Antalina Guha,
Ms. S. Ray,
Ms. H. Purohit.
....for the KoPT.

Ms. Koyel Mahato.
....Estate Officer, KoPT.

1. This revisional application seeks expeditious disposal of an application under Section 151 of the Code of Civil Procedure, 1908 seeking for restoration of possession of the petitioner over the property that has been taken possession of by the opposite party on July 01, 2026.

2. Mr. Dutta, learned Advocate appearing for the petitioner submits that an order of eviction had been passed by the Estate Officer against the petitioner, under Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 on January 30, 2025. The petitioner has carried the said order in appeal being Misc. Appeal No. 23 of 2025.

3. Inviting attention of this Court to the order dated May 13, 2025, Mr. Dutta demonstrates that on the said date when an application for stay of operation of the said order of eviction (passed by the Estate Officer) was moved before the learned Appellate Court, an undertaking was given on behalf of the opposite party to the Appellate Court that execution would not be proceeded with.

4. It submitted that despite such undertaking having been given and without withdrawing such undertaking, the opposite party has proceeded to take possession of the relevant premises.

5. It is further submitted that the sum adjudicated by the Estate Officer to be paid by the petitioner to the Port Authorities was already paid to the Port Authorities as recorded in the order dated May 13, 2025.

6. Mr. Dutta further submits, on instructions, that even thereafter payments have been made to the Port Authorities and that dues till the month of June, 2026 have been cleared.

7. It is submitted that in such fact situation, the opposite party could not have taken possession of the relevant premises without first withdrawing the undertaking given to Court or without the leave of Court.

8. Mr. Dutta further submits that in the relevant premises there are perishable goods of several traders

and there are several other goods of many other traders who have modest means of income and their livelihood would be at stake if the same are not permitted to be released.

9. Mr. Nag, learned Advocate appearing for the opposite party submits that the undertaking given to Court was conditional inasmuch as the same was restricted only to the ad-interim stage and it was conditioned upon the petitioner proceeding with the appeal expeditiously.

10. Mr. Nag further submits on instructions that the Estate Officer has on July 21, 2026 taken note of the fact that there are perishable goods and has passed an order directing the Port Authorities to take immediate necessary steps in respect of the perishable goods. He has handed up to Court a copy of the order dated July 21, 2026 passed by the Estate Officer which directs the Port authorities *“to take immediate necessary steps to dispose of the perishable goods/materials, if any (including motor cycle lying within the subject premises in question.”* Copy of the said order is taken on record.

11. The Estate Officer is personally present in Court. Mr. Nag, upon taking instructions from the Estate Officer clarifies that the expression *“to dispose of the perishable goods/materials if any (including motorcycles)”* would mean to handover the goods to the relevant owners thereof.

12. In such view of the matter, there does not appear to be any hindrance in the petitioner or the traders claiming through the petitioner taking back the perishable goods in terms of the order dated July 21, 2026 passed by the Estate Officer subject to them satisfying the Port authority as regards their ownership to the said goods.

13. Accordingly, this revisional application is disposed of by requesting the learned Additional District Judge, 4th Court at Howrah to dispose of the petitioner's application under Section 151 of the Code filed on July 02, 2026 as expeditiously as possible and preferably on the next date fixed i.e. on July 28, 2026. The learned Court is further requested that, if in case, the application is not disposed of on July 28, 2026 the learned Court would endeavour to dispose of the same preferably within a week thereafter, without granting any unnecessary adjournment to either of the parties.

14. Needless to mention that the petitioner or the traders claiming through them will be free to make appropriate representations seeking release of their other goods, if any, before the Estate Officer in accordance with law and the Estate Officer shall consider and dispose of the same in accordance with law.

15. WPA 2206 of 2026 is disposed of with the above observations. There shall be no order as to costs.

16. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)