



N.22Sl

151/CL
13.11.25
SI-225
Ct.551
(S.R.)

WPA 16303 of 2025

Pankaj Chakraborty

v.

Union of India & Ors.

Mr. Arabinda Chatterjee, Sr. Adv
Ms. Kakali Dutta ... for the petitioner.

Mr. S.N. Dutta
Mr. Arun Bandyopadhyay ... for the respondents.

1. This writ petition assails proceedings initiated against the petitioner under the provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.
2. Mr. Chatterjee, learned senior advocate appearing for the petitioner submits that the entire proceeding is vitiated as the same has been concluded in complete derogation of principles of natural justice. It is submitted that no notice in respect of the proceeding was ever served upon the petitioner. Inviting the attention of this Court to an order dated September 28, 2021 (Annexure R-4 at page 22 of the affidavit-in-opposition filed by the respondents) passed by the relevant Estate Officer, it is submitted that although the order records that a notice dated September 20, 2021 under Section 4(3) and Section 7 of the said Act had been sent to the petitioner through speed post at the recorded



address of the petitioner and that, the same had returned with the remark “insufficient address”, yet in fact such notice was never attempted to be served upon the petitioner. It is submitted that the notice could never have been returned with the said remark. In order to buttress his contention, he takes Court through the caveat lodged by the respondents in the Court of he learned District Judge at Alipore (Annexure P-1) at pages 18 and 19 of the writ petition) wherefrom, it appears that the address of the petitioner is the same, as the one which is there in the records of the respondents. Reliance is also placed on the notice demanding outstanding dues in respect of occupation by the petitioner, dated December 13, 2024 (Annexure P-2 at pages 20 and 21 of the writ petition) to demonstrate that the address of the petitioner is the same as the one recorded by the respondents.

3. It is, then, submitted that in view of the fact that the address of the petitioner remained the same all through there could have been no case of a document sought to be served upon the petitioner being returned with the remark “insufficient address”.
4. Faced with this, learned advocate appearing for the respondents seeks time to use a supplementary affidavit to bring on record documents in support of



the observations made in the order dated September 28, 2021 passed by the Estate Officer.

5. Let such supplementary affidavit be filed within two weeks from date. A copy thereof shall be served upon the learned advocate for the petitioner prior to the returnable date.
6. List this matter for further consideration on 4th December, 2025.

(Om Narayan Rai, J.)