

S/L 13
28.07.2026
Court. No. 25
sourav

WPA 18427 of 2026

**M/s. Starburst Motors Private Limited
Vs.
Union of India & Ors.**

*Mr. Suman Dutt, Sr. Adv.
Mr. Paritosh Sinha
Mr. Amitava Mitra
Ms. Sumita Show
Mr. Deep Basak
Mr. Naman Agarwal
Ms. Anusuya Thatoi*

...for the petitioner.

*Mr. Saptansu Basu, Sr. Adv.
Mr. Ashok Kumar Jena*

...for the respondent nos. 2 and 3.

*Mr. Ajit Kumar Choubey
Mr. Narendra Prasad Gupta*

...for the respondent nos. 5 to 10.

Mrs. Sudipa Banerjee

...for the respondent nos. 11 and 12.

1. The petitioner has filed the present writ application being aggrieved and dissatisfied of the act of the respondent nos. 4 to 7 as the said authorities are not allowing the petitioner to execute their work in terms of the possession certificate as well as allotment letter issued by the port authorities to the petitioner.
2. Learned counsel for the petitioner submits that the Port Authorities have issued the tender notice with regard to allotment of land at Chandpal Ghat at Strand Road being Plot No. 136/25(A) on long term lease of 30 years on 'as is where is basis' without renewal option against payment on annual rent/upfront basis.
3. The petitioner has participated in the said tender. The Port Authorities accepted the offer of the petitioner that

plot of land may be leased out to the petitioner for a period of 30 years 'as is where is basis' without any option for renewal. Accordingly, on June 15, 2026, an acceptance letter was given to the petitioner with respect of the said property. On June 24, 2026, the possession of the plot was handed over to the petitioner along with the sketch map of the property which has been allotted to the petitioner in terms of the tender notice.

4. When the petitioner had started his work in the said plot of land, the respondent nos. 4 to 7 obstructed for cleaning the said area and making any construction over the property. The petitioner has made representation to the Estate Officer on July 6, 2026 and subsequently, several representations have been made but the Port Authorities have not considered the representations submitted by the petitioner and the same is pending before the authorities. He submits that unless and until the respondent nos. 4 to 7 are not restrained for disturbing the possession of the petitioner and allow to execute his work, the petitioner will suffer irreparable loss and injury.
5. Learned counsel appearing for the Port Authorities submits that the land which has been given on lease to the petitioner in terms of the tender notice, the said property belongs to the Port Authorities and accordingly, the same was leased out to the petitioner. Learned counsel for the Port Authorities also draws attention of this Court to the order passed by the learned Judge, 7th Bench, wherein the Port Authorities have initiated a case

against the encroacher under the Public Premises Act and the matter went up to the appeal and it was held that the Port Authorities are the owner of the property and the eviction order passed by the authorities was upheld. He submits that from the said order it reveals that the Port Authorities are the owner of the property in question.

6. Learned counsel appearing for the respondent nos. 4 to 7 submits that the said land coming under the defence area and the port authorities have illegally published the tender notice and given the possession of the said property to the petitioner. He submits that at this stage if any order is passed by restraining the authorities and allowing the petitioner to construct over the property, the respondent nos. 4 to 7 will be prejudiced.
7. Learned counsel appearing for the State has submitted the report wherein it is mentioned that the dispute between the parties is of land dispute as the defence authorities are opposing the petitioner to open an authorized Maruti Suzuki showroom and workshop. She submits that the police authorities are nothing to do in the matter with regard to the property in question.
8. Heard the learned counsel for the respective parties. Perused the materials on record.
9. The Port Authorities have published the e-tender notice for allotment of the land on lease for 30 years 'as is where is basis'. The petitioner had participated in the said tender and was found eligible to offer the said landed property and the possession was handed over to

the petitioner. The petitioner has deposited an sum of Rs. 1,26,42,697/- during the tender process and the petitioner has to pay the annual rent in terms of the terms and conditions of the tender notice.

10. The respondent nos. 4 to 7 claim that the property is coming under the defence area but they have not produced any document before this Court and prays for time to produce the document to show that the property in question is coming under the defence area.
11. Considering the above, this Court finds that the petitioner has made out a *prima facie* case and balance of convenience and inconvenience in favour of the petitioner and as such, the respondent nos. 4 to 7 are restrained from interfering with the possession of the petitioner over the premises and making any construction over the plot of land in question till September 9, 2026. The respondents are directed to file affidavit-in-opposition within a period of three weeks. Reply, if any, thereto be filed within two weeks thereafter.
12. List this matter on September 9, 2026 under the same heading.

(Krishna Rao, J.)