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ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO No. 115 of 2026

MD. NAZIM AND ORS.
VERSUS

THE OFFICIAL TRUSTEE, GOVERNMENT OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 20th April, 2026.

Appearance:

Md. Farhaduddin, Adv.

Mr. Siddhartha Ruj, Adv.

Ms. Era Ghose, Adv.

Mr. Shabbir Yazdani, Adv.

For the petitioners.

Mr. Sayak Konar, Adv.

Mr. Indranil Nandi, Adv.

For the Official Trustee of West Bengal.

Mr. Deepnath Roychowdhury, Adv.

For the respondent nos. 4 and 5.

Mr. Ratul Das, Adv.

Mr. Sayan Ganguly, Adv.

For the respondent nos. 6 and 7

Mr. Alak Kumar Ghosh, Adv.

Mr. Gopal Chandra Das, Adv.

For the K.M.C.

The Court: This writ petition is appearing for the first time after the same on being released by a co-ordinate Bench for being heard along with applications pending before this Bench in connection with the self-same premises.

The writ petitioners are eleven in number. All of them claimed to be carrying on business at premises No. 26, Ezra Street, P.S. Hare Street, Kolkata 700001. The writ petitioners have, inter alia, challenged the notice dated 23rd February, 2026 issued by the Administrator General of West Bengal and the Official Trustee. The right to occupy the said premises for carrying on business is disputed by the Official Trustee on the ground that none of the writ petitioners have been able to show any document in support of the alleged right to occupy as claimed.

After hearing the parties, it appears that there is no scope of passing any interim order at this stage. Staying operation of the notice dated 23rd February, 2026 is likely to be construed as a final order in aid of the final relief for quashing and/or setting aside of the impugned notice. It may also give rise to multiplicity of judicial proceedings. There is, as such, no scope of passing any interim order without affording the respondents an opportunity to disclose their stand on affidavit(s) by keeping the point of maintainability open.

Affidavit-in-opposition be filed by 21st May, 2026. Affidavit-in-reply thereto, if any, be filed by 12th June, 2026.

Let this matter appear on 24th June, 2026.

(ARINDAM MUKHERJEE, J.)