

OD-2

WPO/485/2025

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
ORIGINAL SIDE

APARNA AGENCY PVT. LTD. (EARLIER  
KNOWN AS APARNA AGENCY LTD. )  
AND ORS.

-VERSUS-

ESTATE OFFICER, SYAMA PRASAD  
MOOKERJEE PORT, KOLKATA  
(EARLIER KNOWN AS KOLKATA PORT  
TRUST) AND ORS.

BEFORE :  
THE HON'BLE JUSTICE BISWAJIT BASU  
Date: 11<sup>th</sup> August, 2025.

Appearance :

*Mr. Jayanta Kumar Mitra, Sr. Adv.*  
*Ms. Vineeta Meharia, Sr. Adv.*  
*Mr. Dinabandu Dan, Adv.*  
*Mr. Dipayan Dan, Adv.*  
*...for the petitioner.*

*Mr. Subhankar Nag, Adv.*  
*Mr. Ashok Kumar Jena, Adv.*  
*...for the respondent.*

*Mr. Ranjan Sinha, Adv.*  
*Mr. Prithu Dudheria, Adv.*  
*...for the Union of India.*

The Court :- The Estate Officer, Syama Prasad Mookerjee Port, Kolkata, by the order no. 108 dated June 20, 2025 has passed a final order of eviction under Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 in proceeding no. 879 of 2007 against fifteen of the alleged unauthorized occupants of the subject public premises.

In the instant writ petition, six of such occupants viz. *Aparna Agency Pvt. Ltd., A.M. Marketing Pvt. Limited, Arpan Marketing Company Pvt. Ltd., K.D. Enterprise, Purna Distributors and Trinity Chimes* have challenged the said order of eviction *inter alia* on the grounds that the impugned final order of eviction has been passed in violation of the restriction imposed upon the Estate Officer

to pass such final order without the leave of the High Court vide order dated August 07, 2007 passed in WP No.728 of 2007.

In W.P. No.728 of 2007, a notice to show-cause under Section 4 of the said Act of 1971 issued in relation to the connected eviction proceeding is under challenge.

A Co-ordinate Bench of this Court, in the said writ petition, by an order dated August 07, 2007 though has permitted the Estate Officer to proceed with the eviction proceeding but has restrained him from passing any final order of eviction without the leave of the Court. The said interim order is still subsisting and the said writ petition is pending as well.

In the aforesaid backdrop, the writ petition challenging the said final order of eviction is entertained though the said final order is open to appeal under Section 9 of the said Act of 1971.

The writ petition and the pending writ petition being WP No.728 of 2007 would be taken up for further consideration on **September 19, 2025** at **2 P.M.**, list the matters accordingly.

The operation of the impugned final order of eviction dated June 20, 2025, so far as it relates to the petitioners, is stayed till the disposal of the writ petition.

Parties to act on the server copy of this order duly downloaded from the official website of the Court.

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

(BISWAJIT BASU, J.)