

ITEM NO.11 Court 7 (Video Conferencing)

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 9055/2020

(Arising out of impugned final judgment and order dated 24-02-2020 in FMA No. 545/2020 passed by the High Court At Calcutta)

GRAND SMITHY WORLDS LLP

Petitioner(s)

VERSUS

THE BOARD OF TRUSTEES FOR THE PORT OF CALCUTTA &amp; ORS. Respondent(s)

(IA No. 70619/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 70617/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT)

Date : 14-08-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mr. Piyush Sharma, Adv.  
Mr. Dinesh Chandra Pandey, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

We have examined the judgment and the plea urged by learned counsel for the petitioner that there are other similarly situated tenants against whom orders have been passed under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 who have been permitted to continue to occupy the premises upon payment of occupation charges at present market rate and the auction to be conducted with occupants in possession of the relevant premises.

We have examined the impugned order in the aforesaid context also and find the reasoning given in the impugned order unexceptionable. If the premises continue to be occupied by the petitioner whose status is a tress-passer, the possibility of getting an appropriate lease amount to the respondents in auction would be detrimentally affected as there would remain the possibility of the ingenuity of litigation by the tress-passer.

We would thus, like to put our imprimatur on the reasoning in the impugned order and affirm the same.

In view of the aforesaid, we are not inclined to exercise our jurisdiction to interfere under Article 136 of the Constitution of India.

At this stage, learned counsel for the petitioner submits that on account of the current scenario, some more time may be given to vacate the premises. Though we were initially disinclined to do so, we, still, grant time till 31<sup>st</sup> October, 2020 to hand over vacant and peaceful possession subject to furnishing of the usual undertaking in the Registry of this Court within two weeks from today.

The special leave petition is dismissed in terms aforesaid.

Pending applications shall also stand disposed of.

(ASHA SUNDRIYAL)  
AR-cum-PS

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR