

Form No. J(2)

In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present: The Hon'ble Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Sandip Kumar De

MAT No. 1478 of 2026
+
CAN 1 of 2026

Tapan Panda and others
Vs.
The State of West Bengal and others

For the appellants : Mr. Abhishek Halder,
Ms. Madhurima Basu,
Ms. Pritha Chatterjee,
Mr. Aritra Bhattacharya, Advs.

For the State : Mr. Billwadal Bhattacharyya, AAG.,
Mr. Anish Kumar Mukherjee,
Mr. Sunny Nandy, Advs.

For the University : Ms. Debolina Lahiri,
Mr. Mrinmoy Chatterjee, Advs.

Heard on : 16.09.2026.

Judgment on : 16.09.2026.

Sabyasachi Bhattacharyya, J.:-

1. The appeal is admitted and is taken up for hearing in view of the short question involved.
2. The present challenge has been preferred against an order whereby there was deemed refusal of an ad interim order prayer of injunction made in connection with a writ petition.

3. The writ petitioners/appellants preferred the writ petition challenging primarily a notice dated June 10, 2026, whereby the writ petitioners/appellants were asked to vacate the quarters of the Bidhan Chandra Krishi Viswavidyalaya, one of the respondents. It was also indicated in the notice that in failure to comply with the same, the University authority will “initiate appropriate proceedings for forcible eviction of the unauthorized occupants” from the University quarters and premises “with the help of the district police administration”.
4. Learned counsel for the appellants submits that since the plinth of the notice was intended forcible eviction of the appellants on the ground that they are unauthorized occupants with the help of the district police administration, a reasonable apprehension arises as to the University authorities/respondents resorting to undue force in evicting the appellants without waiting for due process of law to take its own course.
5. As such, it is submitted that the learned Single Judge ought to have granted interim protection to the writ petitioners/appellants.
6. It is further submitted that the University authorities have also disconnected the electricity supply of the appellants, who are retired employees of the University, thereby causing tremendous hardship to the appellants.
7. Learned counsel for the University authorities argues that from the notice itself it would be evident that the University authority adhered to due process of law and intimated their intention to initiate appropriate proceedings.

8. It is further submitted that the electricity connection of the premises has already been disconnected. Hence, there is no scope of grant of ad interim relief as sought in prayer (d) of the writ petition, prohibiting the respondents from so disconnecting.
9. Upon a careful perusal of the notice, we find that the same is merely a precursor to an eviction proceeding, within the contemplation of Section 4(1) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 or akin thereto, designed to give a notice to alleged unauthorized occupants to the effect that they occupy the premises in an unauthorized manner and that steps for eviction would be taken against them within the contemplation of the said statute.
10. However, the expressions “forcible” and “with the help of the district administration” coupled with the intended initiation of appropriate proceedings are misfits and somewhat contradictory.
11. Yet, since learned counsel appearing for the University authorities, on instruction, submits that the intention behind the notice was merely to give a notice to the unauthorized occupants that appropriate proceeding in due process of law would be initiated, we deem it fit to clarify that nothing in the said notice dated June 10, 2026 would entitle the University authorities to forcibly evict the appellants, with the help of the district police administration or otherwise, without due process of law.
12. Insofar as the electricity connection is concerned, prayer (d) of the writ petition has been rendered infructuous in view of the disconnection of such supply having already been effected in the meantime.

13. The appellants would, in any event, be at liberty to approach the writ court seeking appropriate remedy in that regard, if otherwise so entitled in law.
14. If such an approach is made, the writ court shall consider the same in accordance with law, if necessary subject to conditions being imposed on the appellants.
15. Be that as it may, we do not find any apparent error in the impugned order in the context as indicated above.
16. Accordingly, MAT No. 1478 of 2026 is disposed of without interfering with the impugned order, but in the light of the observations made above.
17. CAN 1 of 2026 is also disposed of accordingly.
18. There will be no order as to costs.
19. The parties shall act on the server copy of this order, duly downloaded from the official website of this Court, without insisting upon prior production of certified copies, for the purpose of compliance.
20. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Sandip Kumar De, J.)