

Item No. 55

31.10.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 786 of 2022
Sri Janardhan Singh

v.

The State of West Bengal & Ors.

Mr. Tapan Kumar Dey
Mr. Rakesh Roy
... for the petitioner.

Ms. Amrita Panja Moulick
... for the State.

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh
... for the respondent no. 12.

None appears on behalf of the Municipality. The private respondent and the State respondents are represented.

The petitioner claims to be a tenant in respect of Premises No. 64/1, T.N. Mukharjee Road under the jurisdiction of Uttarpara Kotrang Municipality.

The petitioner alleges that the developer of the property forcefully ousted the petitioner from the said premises and demolished the same. The petitioner has already filed a Suit before the learned Civil Judge(Junior Division), 1st Court, Serampore, Hooghly being TS No. 540 of 2018.

The petitioner made a representation before the Municipality in December 2021 and prays for a direction upon the Municipality to consider the same.

It appears from the representation filed by the petitioner and the submission made on his behalf that the relief claimed for by the petitioner may be available before the learned Civil Court whether the Suit is pending consideration. The Municipality will not be the appropriate authority to adjudicate any private dispute of forceful ousting of a tenant from the tenanted premises by the landlord.

In view of the above, no relief can be granted to the petitioner in the present writ petition.

It will be open for the petitioner to make appropriate prayer before the proper forum for relief, if so advised.

The writ petition stands dismissed.

Affidavit-of-service filed in Court today is taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities

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(Amrita Sinha, J.)