

Form No. J(2)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

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

WPLRT No. 62 of 2026

Subhasis Sarkar
Vs.
The State of West Bengal and Others

For the petitioner : Mr. Anit Dey,
Mr. Debanjan Mukherjee, Advs.

For the State : Mr. Asim Hati, Adv.

For the respondent
No. 5. : Mr. Gazi Faruque Hossain, Adv.

Heard on : 24.08.2026.

Judgment on : 24.08.2026.

Sabyasachi Bhattacharyya, J.:-

1. The present challenge has been preferred against an order whereby the learned Tribunal remanded an application for deposit of rent by the alleged tenant, that is, the writ petitioner, under Sections 21 and 22 of the West Bengal Premises Tenancy Act, 1997 (the 1997 Act).
2. Learned counsel for the writ petition argues that while doing so, the learned Tribunal observed that the deposits made by the petitioner shall not be treated as valid deposit, which would tantamount to pre-judging the validity of the deposit, which is *per se* bad in law in the teeth of the remand order.

3. Heard learned counsel for the parties. It transpires that in view of the Tribunal having remanded the matter to the Additional Rent Controller for a fresh adjudication of the application under Sections 21 and 22 of the 1997 Act on merits, it would be premature to observe simultaneously that the deposit made by the writ petitioner shall not be treated as a valid deposit.
4. Accordingly, WPLRT No. 62 of 2026 is partially allowed, thereby modifying the impugned order dated September 26, 2025 passed by the Fourth Bench of the West Bengal Land Reforms and Tenancy Tribunal to the limited extent that the observation “the deposit of rent, if already made by respondent no. 2/ tenant, shall not be treated as valid deposit” is treated to be expunged from the said order.
5. It is made clear that the validity of the deposit so made by the writ petitioner shall be subject to the outcome of the fresh adjudication of the application under Sections 21 and 22 of the 1997 Act on merits.
6. We abundantly make it clear that this Court has not entered into the merits of the case and it will be open to both parties to raise all their contentions before the learned Tribunal in the fresh adjudication.
7. There will be no order as to costs.
8. Urgent 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.)