

Party Name : JUTE CORPN. OF INDIA LTD Vs SANTOSH KR. CHORARIA & ANR

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. T.D. Majumder, learned counsel appearing for the petitioners, the Jute Corporation of India Limited and another as well as Mr. R. Chakraborty, learned counsel appearing for the respondents.

This petition has been filed by the Jute Corporation of India Limited and another who were the respondents in CRP No.108 of 2012 (disposed of).

The apprehension that has been expressed in this petition by those petitioners is that despite their notice to the respondents, the landlord of the premises, they are not coming forward to take the vacant possession.

This Court by the judgment and order dated 02.04.2015 passed in the said CRP No.108 of 2012 (disposed of) has directed the present petitioners to vacate the premises within 6(six) months from that date.

The petitioners are ready to vacate that.

In this perspective, the respondents are directed to receive the vacant possession of the premises from the petitioners within 3(three) days from today. If within 3(three) days, the respondents in person do not appear to receive the vacant possession, the petitioners may approach to the Sub-Divisional Magistrate, Sadar who will in turn depute one of the Executive Magistrates and in presence of the said Executive Magistrate, the premises would be placed under lock and key and the key would be handed over to that Executive Magistrate.

In such circumstances, the respondents would be entitled to receive the keys from the Executive Magistrate on issuing proper receipt.

Mr. R. Chakraborty, learned counsel appearing for the respondents-landlords has submitted that the allegations as levelled by the petitioners are entirely unfounded. The respondents were so long fighting for having the vacant possession. Mr. Chakraborty, learned counsel has further submitted that since the respondents are now at Kolkata, it may not be possible for them to physically appear and for that purpose they have authorized a person to act as their attorney namely, Shri Kishanlal Hirawat of Bajran Trading, Badharghat, P.O. Siddhi Ashram, Agartala-799103 to receive the vacant possession.

The petitioners are directed to hand over the vacant possession to the said constituted attorney.

Accordingly, this interlocutory application stands allowed and disposed of.