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28.09.2020
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Ct23

WPA 1522 of 2020

(Via Video Conference)

Sudip Roy
Vs.
Union of India & Ors.

Mr. Srijib Chakraborty,
Mr. D. Paul
.... For the petitioner.

Mr. Amal Kumar Datta
.... For Union of India.

Mr. Pantu Deb Roy,
Mr. Pannalal Bandyopadhyay
... For the State.

Affidavits of service filed in Court today are taken on record.

None appears for the private respondent despite service.

The petitioner has two-fold grievance against the private respondent, being the respondent no.7. The petitioner resides at the ground floor quarter whereas the private respondent no.7, resides in the upper floor. The private respondent, according to the petitioner, is indulging illegal and wrongful acts to harass the ground floor inmate i.e., the petitioner and by such act has prevented the petitioner from peaceful use and enjoyment of the quarter given to the petitioner's father on long-term lease.

The other complaint of the petitioner is that the private respondent has suffered an order of eviction dated 25th February, 2016, passed by the Estate Officer, Steel Authority of India Limited, Durgapur Steel Plant. Challenging the said order, the private respondent filed an appeal before the District Judge, under the provision of section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The said appeal has been dismissed. The petitioner says that in view of such order, the private respondent is not entitled to occupy the quarter which he is wrongfully occupying.

The second limb of the petitioner's grievance cannot be gone into in the instant writ petition as this will transform the writ Court into an executing Court and that too at the instance of a third party. So far as the petitioner's first grievance is concerned, the petitioner's father being the long-term lessee is entitled to use and enjoy the quarter.

Mr. Pantu Deb Roy, appearing on behalf of the State hands over a copy of the instructions received by him from Goutam Talukder, SI of Police, Durgapur Police Station, which is taken on record.

The police authorities and the other authorities of the Durgapur Steel Plant are directed to ensure that the petitioner is not harassed by the private respondent so that the use and enjoyment of

the quarter-in-question is jeopardized.

Nothing remains further to be adjudicated in the writ petition and the same is disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondent.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon usual undertakings.

(Arindam Mukherjee, J.)