

Sn 15.9.2020
23

C.O.1199 of 2020
C.A.N. 1 of 2020

Through Video Conference

BANI MULICK VS. LIFE INSURANCE
CORPORATION OF INDIA & ORS.

Mr. Aniruddha Chatterjee
Mr. Rajshree Dutta
Mr. Dipak Dey
 ..for the petitioner
Ms.Tanushree Das Gupta
 ..for the opp. parties

In view of the urgency, the matter is taken up virtually. C.A.N.1/2020 is disposed of.

This revisional application has been filed by the occupant in respect of Flat No.15, 3rd floor, Queen Manson, 12 Park Street, Kolkata-700 071.

The order impugned to this revisional application is a notice dated August 19, 2020 issued by the Estate Officer under the Public Premises Eviction of (Unauthorised Occupants) Act, 1971.

The petitioner is aggrieved because without fixing the case no.EO/116/0693 for ex parte hearing, the Estate Officer allowed the applicant/opposite party no.1 to make arguments in the absence of the petitioner and also conclude the arguments.

The second grievance of the petitioner is that the Estate Officer is continuing physical hearing

of the matter although ideally virtual hearing should be done. The petitioner prayed for one month adjournment with the hope that the pandemic situation would come to an end and physical hearing would be possible.

The learned Advocate for the opposite parties submits that there is no infrastructure readily available for virtual hearing before the Estate Officer. She however ensures the Court that from the order impugned itself it will be evident that the Covid norms of the Central and State Government and other guidelines are being strictly followed and the proceedings can continue physically.

Having considered the records and submissions made on behalf of the parties, the proceedings before the Estate Officer so far resulting in conclusion of oral arguments on behalf of the applicant/opposite party no.1 is quashed and set aside inasmuch as, the petitioner has a right to be present during such arguments in order to be able to meet the same and effectively contest the proceeding.

However, this Court cannot direct the Estate Officer to compulsorily create an infrastructure for virtual hearing. It is also on record that the Covid norms and guidelines are being maintained.

This revisional is disposed of with a

direction upon the Estate Officer/opposite party no.2 to start hearing of case no.EO/116/0693 afresh starting with the arguments of the LICl, upon giving 7 days prior notice to all concerned especially the petitioner. The petitioner will be represented by his learned Advocate/authorised representative before the Estate Officer. The covid norm mentioned by the Estate of Officer shall be followed.

The parties shall ensure that there is no overcrowding in the office of the Estate Officer and the modality stated in the notice dated August 19, 2020 should be followed.

The question of filing the written notes of arguments will arise only after the conclusion of arguments on behalf of both the parties. It is expected that the petitioner will co-operate with the proceeding.

There will be, however, no order as to costs.

Parties are directed to act on the learned Advocate's communication.

(Shampa Sarkar,J.)

