

ORDER SHEET
WPO 446 of 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

GOOL JEHANGIR ARDESHIR
VS
LIFE INSURANCE CORPORATION OF INDIA AND ORS.

BEFORE:
The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA
Date : December 23, 2020.

Appearance:
Mr. Shivangi Thard, Adv.
... for petitioner.

Mr. Aditya Sen, Adv.
Mr. Souvik Maji, Adv.
Ms. Sarmistha Sarkar, Adv.
...for respondent.

The Court : The grievance of the petitioner is that the petitioner, who is a tenant under the Life Insurance Corporation of India, is seeking to surrender the tenant premises in favour of the LIC, but the latter is not accepting such surrender, thereby exposing the petitioner to the risk of incurring unnecessary arrears despite the petitioner's specific request to accept her surrender.

Learned Counsel appearing for the respondent authorities submits that the proper recourse of the petitioner is to approach the Estate Officer with a representation since under Section 15 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, read with section 5 thereof, any proceeding for eviction lies before the Estate Officer. It is argued by the

respondent authorities that since the present matter is ancillary to such a proceeding, the same has to be heard by the Estate Officer and not the Writ Court.

However, since the writ petition has no connection with any eviction proceeding or notice but is merely relating to the respondents sitting tight over the matter of acceptance of surrender by the petitioner, the bar envisaged in Section 5 and or 15 of the 1971 Act are not applicable at all.

In view of the petitioner's request to accept surrender, it is the bounden duty of the LIC to consider such surrender letter and accepting the same upon settlement of dues of arrear rent and/or other dues if any. Accordingly, WPO 446 of 2020 is disposed of by directing the respondent authorities to consider the surrender letter given by the petitioner, annexed at page 49 (annexure P-15) of the writ petition, immediately and to accept such surrender subject to clearance of all arrear dues to the respondents by the petitioner.

There will be no order as to costs.

Urgent certified website copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)