

Subhas Hazra & ors.

-vs-

Tapan Bhandari

Mr. S. Chakraborty,
Mr. D. Dey

....for the petitioners.

Mr. T. K. Manna

....for the advocate commissioner.

The plaintiffs in a suit for eviction, inter alia, on the ground of reasonable requirement are the petitioners of the present application under Article 227 of the Constitution of India. In the said suit an Advocate Commissioner, namely, Priay Mukim was appointed for the local inspection of the property at the instance of the defendants. The petitioners alleged that the appointment although was made in the order dated 17th July, 2018 but till date the commission work has not started. This Court by the order dated February 22, 2021 directed to serve a copy of the application upon the defendant as well as upon the said learned advocate commissioner. The defedant did not turn out in spite of service but Mr. T.K. Manna appeared on behalf of the said advocate commissioner and submits that since the petitioner did not supply the

copy of the plaint, copy of the written statement and the copy of the application for appointment of advocate commissioner, department although issued a writ of commission initiated but took return of the same. Let the copies of the said documents be supplied to the department by the plaintiffs so that the writ of commission may be issued to the said advocate commissioner.

Mr. Chakraborty, accepts such proposal of Mr. Manna and submits that copies of the said documents would be filed before the concerned department of the court below within this weeks.

The concerned department of the learned court below is directed to issue writ of commission to the said learned advocate commissioner upon receipt of the said documents.

Mr. Manna submits that the advocate commissioner shall start her commission work immediately on receipt of the writ of commission and shall conclude the inspection as quickly as possible but not later than eight weeks from the date of receipt of the writ of commission.

C.O. 241 of 20201 is, accordingly, disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if

applied for, be given to the parties, upon usual undertakings.

(Biswajit Basu, J.)