

23.07.2021
Ct. No.13
Sl. No.87
pk/akd

W.P.A. 11020 of 2021 [via video conference]

[Kali Charan Lohia & Ors. -Vs- State of West Bengal & Ors.]

Mr. Dhrubaneel Biswas
... .. for the petitioners

Ms. Roopa Mitra
... .. Party [in person]

Mr. Sumitava Chakraborty
... for Siddhartha Mitra

Mr. Jishnu Chowdhury
Mr. Amrita Lal Chatterjee
... .. for the State

Learned counsel for the writ petitioners submits that the Officer-in-charge, Phoolbagan Police Station has filed a report. The report clearly says that the father of the writ petitioners was a bonafide tenant. His son who is the petitioner herein entered into the flat for the first time in May, 2021 only to perform the last rites of the father on condition that he will leave the said flat upon completion of the last rites.

This Court is, therefore, of the prima facie view that the petitioners are infact not entitled to live in the said property.

Since there is a civil suit being T.S. No. 210 of 2021 pending between the petitioners and the private respondents and there are other civil proceedings between the landlord and their own family members, the parties may thrash out their disputes in such civil proceedings.

The writ petition shall stand dismissed.

The cause title of the order dated 22nd July, 2021 shall stand corrected to be read as Mr. Sumitava Chakraborty, learned advocate, appearing for Mr. Siddhartha Mitra.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)