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(Through Video Conference)

WPA 24451 of 2016

With

IA No. Can 1 of 2019 (Old No. CAN 1832 of 2019)

With

CAN 2 of 2020

Sri Probir Kumar Roy

Vs.

The State of West Bengal & Ors.

Mr. Partha Chakraborty, Advocate
... ... for the Petitioner

Mr. Tulshi Das Ray, Advocate
... ... for the State

An order dated March 31, 2016 fixing the rent in respect of the premises concerned is under challenge in the present writ petition. The fixation of rent was undertaken pursuant to the order passed by the High Court in an earlier writ petition.

The petitioner was heard.

In the process of fixation of rent the petitioner was afforded an opportunity of producing documents to establish the fair rent in respect of the property concerned. The petitioner produced documents of a Bank located nearby the property concerned.

Learned advocate appearing for the petitioner submits that the petitioner is aggrieved by the fixation of fair rent as contained in the impugned order. He contends that, the authorities took into consideration an analogous amount of area of the property. It should be 768 sq. ft. instead of 618 sq. ft. He submits that, the authorities took into consideration fair rent in respect of the properties

which are located more than 7 kilometer away from the property concerned. The authorities should have taken into consideration the rent of properties at the nearby locality.

The State authorities are represented.

As noted above, the impugned order is a result of an exercise undertaken by the authority pursuant to an order of the High Court. The petitioner was given a hearing before the authority passing the impugned order. In the hearing, the petitioner produced documents to establish the fair rent. The documents produced by the petitioner to establish fair rent were taken into consideration. The petitioner produced a document of a Bank paying rent at the rate of Rs.4.50 per sq. ft. The authority went on to consider other properties which are located at a distance from the property concerned and arrived at a rate of Rs. 7.08 per sq. ft.

There is nothing on record to establish that the rent fixed at Rs. 7.08 is perverse. It is contended on behalf of the petitioner that the rates in respect of the locality are much higher than what was fixed by the impugned order. As noted above, there is nothing on record to substantiate such allegation. A writ court is not an appellate authority. Moreover, the petitioner singularly failed to establish any perverseness in the impugned order. The writ petition does not contain any document to establish that the rate of rent was higher than what was fixed by the impugned order.

So far as the area of immovable property is concerned, the authority proceeded on the basis of effective floor space in the impugned order. The authorities found 618 sq. ft to be available for rent. Again, there is nothing material on record to

establish that the effective floor space was larger than what was noted in the impugned order. The petitioner relies upon the agreement between the parties which states that 768 sq. ft. of super built up area was given on rent. There is a difference between a super built up area and the effective floor area. So again there is no material to establish that the authority proceeded on an erroneous basis to accept the effective floor space basis to fix the quantum of rent.

In the circumstances, I find no reason to interfere with the impugned order.

WPA 24451 of 2016 is disposed of accordingly along with all connected applications.

(Debangsu Basak, J.)