

6th January,
2021
(AK)
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W.P.A 11182 of 2020

Smt. Chaitali Das Dalal
Vs.
The State of West Bengal & Ors.

Mr. Gopal Mondal
...For the Petitioner.

Mr. Susenjit Banik
Mr. Suparno Ghosh
...For the Respondent nos. 6 to 9.

In view of no affidavits having been invited, it is deemed that the respondents do not admit any of the allegations made in the writ petition.

Affidavit-of-Service filed in court today be kept on record.

Despite service, none appears for the respondent authorities, although the petitioner and the private respondents are represented through counsel.

The petitioner's grievance is that the private respondents are obstructing the petitioner from carrying out repair works in respect of the room in which the petitioner is a tenant under the private respondents.

Learned counsel for the petitioner submits that the police was approached on such score, but apparently to no effect.

Learned counsel further prays for police protection to be granted for the purpose of carrying out repair.

Learned counsel for the respondents controverts such allegations on fact.

In any event, the police or the writ court do not have jurisdiction to enter into the merits of the question as to the necessity of repair and, in case such repair is necessary, the extent of such repair and the fixation of liability for such repair on the landlord or the tenant.

The West Bengal Premises Tenancy Act, 1997 specifically governs such situations. In the event the petitioner, who is a premises tenant, requires repair of the tenanted premises and ancillary orders in such regard, the petitioner is free to approach the Controller under the 1997 Act for such purpose.

In the event the petitioner seeks to assert her rights as a tenant and pray for reliefs of civil nature, the petitioner then would be at liberty to approach the competent Civil Court.

In such view of the matter, W.P.A. 11182 of 2020 is disposed of by granting the petitioner liberty to approach the appropriate forum for mitigating the grievances raised in the present writ petitioner.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)