

08.06.2022
Item No.01
Court No.32
Avijit Mitra

F.M.A. 1956 of 2018

**West Bengal Surface Transport Corporation
Limited & ors.**

- Versus -

B.T. Merchants Private Limited

Mr. Niladri Bhattacharjee,
Ms. Deblina Chattaraj
....for the appellants

Mr. Meghnad Dutta,
Mr. Arindam Paul
....for the respondent

The present appeal has been preferred challenging an order dated 12th June, 2017 passed in W.P. 14335 (W) of 2017.

Ms. Chattaraj, learned advocate appearing for the appellants submits that the writ petition itself was not maintainable since the dispute between the parties was civil in nature. The respondent/writ petitioner ought to have approached the competent civil forum instead of preferring the writ application.

Answering our query she submits that the respondent is still enjoying possession of the room measuring 54 sq.ft. The written instruction, as produced, be kept on record.

Mr. Dutta, learned advocate appearing for the respondent submits that in compliance with the order passed in the writ petition the appellant had removed the padlocks and respondent is in possession of the room measuring 54 sq. ft. However, the respondent had

surrendered the possession of the other room measuring 110 sq.ft. and the appellant no.1 is presently in possession of the same. In support of such contention, Mr. Dutta has drawn our attention to a letter dated 11th August, 2017 issued on behalf of the respondent to the General Manager, Foreign Exchange Department. Let the said letter, as produced, be kept on record.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

The appellant no.1 being an authority under Article 12 of the Constitution of India was required to act in accordance with law in discharge of its statutory obligations. On the basis of such reasoning, the learned Single Judge directed the appellant no.1 to remove the padlocks from the stalls of the respondent. We do not find any infirmity in such direction and as such, no interference is called for in the present appeal more so when, it has been observed in the order that it would be open to the appellant no.1 to proceed to evict the respondent, in accordance with law.

The present appeal being F.M.A. 1956 of 2018 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Rai Chattopadhyay,J.)

(Tapabrata Chakraborty J.)