

14.
09-03-2022
debajyoti
(Ct. no.06)

MAT 691 of 2021
with
IA NO:CAN/1/2022
Sri Prakash Chandra Ghosh
Vs.
Union of India & Ors.

Mr. Tapash K. Bhattacharya,
Mr. Aviroop Bhattacharya
... For the Appellant.

Mr. A. Dutt
... For Union of India.

By consent of the parties, the appeal and the connected application are taken up together for hearing.

This appeal is directed against an order dated June 17, 2021, whereby WPA 10463 of 2021 was dismissed.

The writ petitioner/appellant had approached the learned Single Judge contending that the Department of Posts is occupying a part of his premises as tenant. The lease that had been executed in favour of the Department has expired. The Department in principle agreed to renew the lease at an enhanced rent, but, in fact, has not done so till date.

The learned Judge dismissed the writ petition observing that the remedy of the writ petitioner against the Department of Posts lies before a Civil Court under the Property Laws of the land.

We have heard learned counsel for the parties and we have seen the correspondence exchanged

between the parties. It appears that the Department had written to the ADM (LR), Nadia, for issuance of a Land Cost Certificate to enable the Department to assess the fair rent in respect of the premises in question. Learned advocate for the Department tells us that such Certificate has recently been obtained by the Department.

We direct the Department of Posts to complete the process of execution of fresh lease upon assessing the fair rent, within a period of ten weeks from the date of communication of this order to the concerned officer in the Department.

In principle, we do not find any infirmity in the order under appeal. However, since the Department is carrying on business from the appellant's premises in question, we have passed the above order to do justice to the parties.

With the above observations, the appeal and the connected application are disposed of.

Affidavits not having been called for, the allegations in the stay petition shall be deemed not to have been admitted by the respondents.

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

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)