

19.01.2022
Court No.13
Item No.25
pk

WPA 18206 of 2021

**Sunil Kumar Bhutoria
Vs.
State of West Bengal and Ors.**

(Through Video Conference)

Mr. Nilanjan Bhattacharjee,
Mr. Ravi Ranjan Kumar,
Mr. S. Sharma

... For the Petitioner.

Mr. Sunny Nandi,
Mr. Subha Pathak,
Mr. Tamal Singha Roy

... for the respondent no. 6.

Mr. Animesh Paul

... for the respondent no. 7.

The writ petitioner is aggrieved by the fact that the private respondent no. 7, landlord has forcibly snatched the keys of a tenanted portion and has thrown the petitioner out.

It is submitted that the writ petitioner has a large number of personal effects and goods in the tenanted premises and is unable to take the same out. It is submitted that no decree of any civil court has been obtained by the private respondents against the writ petitioner.

The learned counsel for the private respondents/landlord appears and submits that the petitioner had voluntarily surrendered the said premises to the private respondents/landlord. It is also submitted that Title Suit No. 879 of 2021 filed by the

writ petitioner is now pending before the Civil Judge(Junior Division), Fourth Court at Howrah.

This Court is of the view that the dispute is primarily civil in nature and cannot be dealt with under Article 226 of the Constitution of India.

The private respondent no. 6, who claims to be an other landlord in the said premises, vehemently opposes the submissions of the respondent no. 7. The writ petitioner is supported by the respondent no. 6.

In that view of the matter, the writ petition is dismissed with liberty reserved to the parties to thrash out civil differences in the pending civil suit and/or any other proceedings that they may take out in accordance with law.

Since no affidavits have been called, the allegations made in the writ petition shall not be deemed to have been admitted by the respondents.

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

(Rajasekhar Mantha, J.)