

55 08.12.2022
NB Ct. 21

WPA 18688 of 2022

Pranab Roy
Vs.
The Union of India & Ors.

Mr. Biswarup Nandy.
...for the petitioner.

Ms. Anamika Pandey.
...for the respondent nos.1 to 4.

Affidavit of service filed in Court today be retained with the records.

In this writ petition, the petitioner challenges the amount deducted by the respondent authorities since November, 2021 on account of house rent allowance. The petitioner was in occupation of a Railway Quarter No.177/22(Type-III), Gulmohar Avenue, Howrah.

The petitioner is employed as a head constable with the Railway Protection Force (in short "RPF"). By a transfer order dated October 1, 2021, the petitioner was transferred from Howrah to Burdwan. The petitioner has subsequently changed his place of posting.

According to the learned counsel appearing for the petitioner, the petitioner's wife/respondent no.5 is forcefully occupying the quarter and the petitioner has to pay the house rent allowance even though the petitioner is not residing in the said Railway Quarter No.177/22/respondent no.5.

Ms. Pandey, learned counsel appearing on behalf of the respondent authorities submits that steps have already

been initiated for eviction of the petitioner's wife/occupant of the Railway Quarter No.177/22/respondent no.5.

Having considered the rival submissions of the parties and the materials placed on record, this Court finds that the writ Court is not the appropriate forum for agitation of a private dispute existing between the petitioner and the respondent no.5/wife of the petitioner. This Court finds nothing on record to corroborate the fact that steps had been taken by the petitioner against the respondent no.5 alleging such unauthorised occupation apart from bringing the said fact to the notice of the employer. Only the Matrimonial Suit being Misc. Case No.759 of 2018 is pending before the Judicial Magistrate, 6th Court, Howrah.

Needless to mention, any steps required to be taken by the respondent authorities for eviction of an unauthorised occupant may be taken by them in accordance with law.

The writ petitioner will be at liberty to agitate his grievances before the appropriate forum, if so advised.

In the circumstances, the writ petition being **WP 18688 of 2022** is **dismissed** without any order as to costs.

Since no affidavits are directed to be exchanged in the present writ petition all the allegations contained therein are deemed not to have been admitted by the parties.

All parties are directed to act on a server copy of this order, duly downloaded from the official website of this Hon'ble Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Lapita Banerji, J.)