

06.07.2022
Sl. No.241(ML)
srm

W.P.A. No. 9750 of 2020

Santi Kumar Nath

Versus

The State of West Bengal & Ors.

Mr. Manas Kumar Das

...for the Petitioner.

Mr. Sabyasachi Mukhopadhyay,
Ms. Koushikee Banerjee

...for the Respondent No.7.

The petitioner alleges that the respondent No.7 had forcefully ousted the petitioner from the shop room, of which the petitioner is a tenant. It is submitted that the petitioner was absent for a while on account of an injury and taking advantage of his absence, the landlord had put a padlock on the shop room. A prayer is made for a direction upon the Inspector-in-Charge, Katwa Police Station to restore possession of the shop room to the petitioner.

The learned Advocate for the landlord/the respondent No.7 submits that the brother of the petitioner was a tenant. By a letter dated April 4, 2000, the tenancy was surrendered. Thereafter, the petitioner was a tenant for some time. By a letter dated December 20, 2012, the

petitioner also surrendered the tenancy. The documents have been produced before this Court.

The landlord further submits that even after the petitioner had surrendered the tenancy, the electricity supply had not been disconnected. Upon payment of the outstanding dues, the said connection was subsequently disconnected by the electricity department on the application of the respondent No.7.

As disputed questions of facts have emerged, this Court is of the view that the prayer of the petitioner for restoration of possession, cannot be permitted. The petitioner is at liberty to approach the appropriate forum under Section 6 of the Specific Relief Act or under any other applicable law. The right of the petitioner to challenge the letters, which he claims to be fabricated, is also kept open. The police authorities cannot be directed to decide such dispute in view of the letters which have been submitted before the Court by the landlord, indicating that the tenancy had been surrendered long time ago.

These observations shall not have any impact on the proceedings that may be initiated by the petitioner with regard to the tenancy in dispute and the documents of surrender.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy
of this order.

(Shampa Sarkar, J.)