

AD-02
Ct No.09
06.01.2023
TN

WPA No. 926 of 2020

Tamal Kanti Dasgupta
Vs.
State of West Bengal and others

Mr. Sujit Bhattacharya,
Mr. Ushananda Jana

.... for the petitioner

Mr. Tapan Kumar Mukherjee,
Ms. Debdooti Dutta

.... for the State

The petitioner's grievance is that despite the petitioner having given a representation for withdrawing the amount deposited by respondent no.7-tenant from the Controller under the West Bengal Premises Tenancy Act, 1997, the amount deposited has not yet been disbursed to the petitioner insofar as the rent for the period from January, 2012 to April, 2016 is concerned, which comes to about Rs.3,90,000/-.

Learned senior counsel appearing for the State submits that under the West Bengal Land Reforms and Tenancy Tribunal Act, 1997, the tribunal has the jurisdiction under Section 10 to take up the issue.

However, since Section 10 of the Tribunal Act specifies that any person aggrieved by an order passed by an authority or any action taken either by an authority or by the State may prefer an appeal, strictly

speaking, there is leeway for the writ court to interfere in respect of an inaction of the present nature.

That apart, since it is submitted on behalf of the State that the petitioner has not filed any application in appropriate format till date, it would be more appropriate to grant the liberty to the petitioner to file such an application instead of relegating the petitioner to the tribunal unnecessarily.

Accordingly, WPA No. 926 of 2020 is disposed of by granting liberty to the petitioner to apply in proper format before the Rent Controller at Alipore for withdrawal of the amount deposited by the proforma respondent no.7-tenant in the name of the petitioner. Respondent nos.5 and 6 are directed to disburse such amount, which has been deposited by the tenant in the name of the petitioner with the Controller, as expeditiously thereafter as possible, preferably within six weeks from the date of filing of the application by the petitioner.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)