

02.05.2023
Sl. No.8(DL)
srm

W.P.A. No. 8129 of 2023

Ram Naresh Gupta & Ors.

Vs.

The State of West Bengal & Ors.

Mr. R.N. Mahato,
Mr. A. S. Ray

....for the Petitioners.

Mr. Lalit Mohan Mahata,
Ms. Piyali Sengupta,
Mrs. Rupsha Chakraborty

...for the State-respondents.

Mr. Dipanjan Datta,
Mr. Sayan Datta,
Mrs. Reshma Chatterjee,
Mrs. Tanusree Bag

...for the Respondent Nos.7 to 10.

The Block Development Officer, Narayangarh Development Block, has submitted the minutes of the meeting held between the occupiers/tenants and the landlords. The decisions which were adopted in the meeting were as follows:-

“a. Among six shopkeepers who were asked to attend the meeting, three of them, namely, Kalipada De, Sibubhattacharya, Padmya Bhuniya informed that they were running their business from some other place and they were not concerned with the building. They submitted a declaration to that effect.

b. Remaining shopkeepers, namely, Ram Naresh Gupta, Rajesh Das & Malay Kumar

Malakar (petitioners) were occupying the building, but there was no written tenancy agreement.

c. Both the parties agreed that when the building would be constructed, the shopkeepers (petitioners) would be accommodated in exchange of a license fee on the basis of the market value of the property.

d. The occupiers were in possession on the basis of a permission orally given by the deceased father (namely Late Kalipada Dey) of the present owners.

e. The Block Land & Land Revenue Officer be requested to make an arrangements for taking measurements of the three rooms and inform the Block Development Officer."

Thus, nothing further remains to be decided in the writ petition.

This order shall not be construed either as a declaration of tenancy of the petitioners or as a decision on the nature of occupation of the petitioners. The order is restricted to the occupiers being protected and guaranteed an occupation in the premises to be constructed after demolition of the existing dilapidated structure. The terms and conditions of such occupation cannot be decided by the writ court.

Rights of the respective occupiers/tenants in respect of the accommodation and the rights of the landlords to evict such occupiers in accordance with law, has not been

adjudicated. Such issues must be decided by a competent civil court.

It is expected that the landlords will expedite the reconstruction work in view of the decision arrived at in the meeting held on April 26, 2023, otherwise the object sought to be achieved, will be frustrated.

The occupiers shall vacate the premises within two weeks from date. The process of demolition shall commence in accordance with the notice after two weeks from the date of communication of this order, upon ensuring safety and security.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)