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12.04.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 8665 of 2019

**Subir Some
-versus
The State of West Bengal & Ors.**

**Ms. Joyita Ray.
...For the Petitioner.**

**Mr. Subhasis Bandopadhyay.
...For the Municipality.**

**Mr. Debjit Mukherjee,
Ms. Rupsha Chakraborty.
...For the State.**

**Ms. Mina Mahata.
...Respondent no. 6 in person**

Affidavit-of-service filed in Court today is taken on record.

The petitioner has approached this Court seeking direction upon the Burdwan Municipality to take steps for demolition of the petitioner's dilapidated house.

The respondent no.6 is a tenant who is residing at the said premises for a considerable period of time. The petitioner has not made any provision for rehabilitation of the tenant.

Be it recorded that there has been several rounds of mediation between the landlord and tenant but the mediation has failed.

It appears that the petitioner is trying to evict the tenant in the garb of demolishing the structure in question allegedly as the same became dilapidated.

If the petitioner intends to evict the tenant, the petitioner ought to approach the appropriate forum for remedy. The writ court cannot be used as a forum for evicting the tenant from the tenanted premises.

In view of the above, the prayer of the petitioner cannot be accepted. No relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)