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Ct 14

WPA 23767 of 2023

Kamal Deo Singh

-vs-

The State of West Bengal & ors.

Mr. Subhajit Das

...for the petitioner

Mr. Arnab Roy

Mr. Satyam Mukherjee

Ms. Sayani Ahemed

Mr. Purnendu Shekhar Ghosh

...for the respondent nos. 8 & 9

Mr. Suman Ghosh

Mr. Soumen Chatterjee

...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a tenant in the property in question. The private respondents are the purported owners and developers of the property. The private respondents are trying to oust the petitioner without due process of law. He was constrained to approach the Civil Court. By an order dated 02.12.2022 passed by the learned Civil Judge, Jr. Division, Bidhannagar in Title Suit No. 368 of 2022, the defendants were restrained from disturbing the possession of the suit property by the plaintiff. Yet, the private respondents are continuing to violate such order and

disturb the petitioner's possession of the property.

Learned counsel appearing on behalf of the private respondent nos. 8 & 9 submits as follows. The allegations made in the writ petition are denied. The petitioner is the former headmaster of the school that had been running in the property till 2011. The school formally surrendered the tenancy in that year. The petitioner is now claiming tenancy in the said property. He further claims that he had been depositing rent before the Rent Controller. The Rent Controller has now declared that the petitioner is not a tenant there. Suppressing all these, the petitioner was able to obtain an ex parte order of injunction restraining the other side. An appeal was preferred by the private respondents. The interim order was watered down to maintenance of status quo. The private respondents had obtained possession and sanctioned plan for the property and construction is going on.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The private respondents have actually obtained necessary sanctioned plan and construction is going on at the property in question.

It appears that the dispute between the private parties is purely civil in nature.

If any of the parties wants to establish any further right in respect of the same, it has to be done before the Civil Court.

However, the police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a Civil Court is violated.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)