

Sl. No.02.
27.09.2024
Suman
Ct. 15

WPA 769 of 2024

The Kojagari Mahila Rindan Samabay Samity Ltd.
Vs.
The State of West Bengal and Ors.

Mr. Ovik Sengupta
Mr. Vijay Verma
..for the petitioner

Mr. Surya Prasad Chattopadhyay
Mr. A. Samanta
..for Krishnanagar Municipality

Mr. P. K. Roy
Ms. Rituparna Maitra
..for respondent no.3.

The petitioner is a registered cooperative society.

The then-administrator of Krishnanagar Municipality, by a letter dated June 17, 2021, permitted the petitioner to use a livelihood center constructed by the Municipality in Shaktinagar area. This center was utilised by the society's self-help group women members engaged in various activities such as stitching, cutting clothes, and making school uniforms. The petitioner also constructed a wall at the said premises.

However, on September 20, 2022, the Chairman of the Municipality took a resolution directing the petitioner to vacate the premises. Consequently, a letter dated September 23, 2022, was issued by the

Municipality to the petitioner to demolish the construction erected and vacate the premises on September 28, 2022. The resolution dated September 20, 2022, was subsequently approved by the Board of Councillors on September 26, 2022.

On September 26, 2022, the petitioner was again directed to vacate the premises and demolish the construction.

On October 17, 2022, the Municipality proceeded to demolish the shed along with the said wall. On the same date, the Municipality prepared a list of articles removed during the demolition, which was duly signed in the presence of police personnel; however, this list was not signed by the petitioner or any of their representatives.

Simultaneously, it appears that the Municipality lodged a First Information Report (FIR) against the petitioner, following which a charge sheet was filed under Sections 341 and 186 of the Indian Penal Code.

By filing this writ petition, the petitioner seeks restoration of possession for the alleged illegal eviction by the Krishnanagar Municipality.

It is an undisputed fact that the petitioner was in possession under the authorization of the then-administrator of the Municipality.

The petitioner may be justified in arguing that it has been subjected to administrative overreach by the Municipality or that the Municipality should not have forcibly entered the premises, demolished the factory shed and boundary wall, and evicted the petitioner.

However, it is not for a writ court to restore the possession to the petitioner. The petitioner is free to approach the Civil Court to seek restoration of possession from the Municipality.

Regarding the prayer for the return of articles, the Municipality has stated that the seized items are currently held in its custody.

The petitioner may approach the Municipality for the return of the seized articles. The Municipality is directed to return the said articles as per the list dated November 17, 2022, within seven days of any application made by the petitioner in this regard.

Accordingly, **WPA 769 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)