

03.07.2024.

PB

Sl. No.24.

Ct. No.14.

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

WPA 1032 of 2024

Sk. Jabed

Vs

State of West Bengal & Ors.

Mr. P. C. Das,
Ms. S. Choudhury,
Ms. Tithi Paul.

.....for the petitioner.

Mr. Suman Sengupta,
Mr. Sanatan Panja.

.....for the State.

The petitioner prays for consideration of the representation dated 6th February, 2023 filed on his behalf by his legal representative to permit him to repair his tenanted premises.

It appears that a suit for eviction was filed by the private respondents against the petitioner tenant which stood allowed by the learned trial Court, but the suit stood dismissed by the learned Appellate Court vide judgment dated 30th April, 2018.

Learned advocate for the petitioner submits that a banyan tree which has grown up by the side of his

tenanted premises is standing in the way of his enjoying the tenanted premises.

The petitioner intends to cut the banyan tree that is disturbing to the petitioner.

The Court is of the opinion that the dispute in between the landlord and the tenant ought to be decided by the competent Court of law, but as in this case, the tenancy right of the petitioner has been declared and upheld by the Hon'ble Appeal Court, the petitioner ought to enjoy the benefit of the said judgment.

In view of the above, the Officer-in-Charge, Serampore Police Station is directed to ensure that the petitioner is able to enjoy his tenanted portion peacefully without any disturbance of the private parties who happens to be the landlords of the subject premises.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)

