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05.04.2024
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Ct 14

WPA 8414 of 2024

Amitava Roy
-vs-
The State of West Bengal & ors.

Mr. Madan Mohan Roy
....for the petitioner
Mr. Supriyo Singh
...for the respondent nos. 5 & 6

Mr. K. J. Yusuf
Mr. Raja Saha
..for the State
Mr. Atis Kr. Biswas
Mr. Abhishek Sikdar
Ms. Sahili Dey
...for the K.M.C.

Affidavit in opposition filed on behalf of the respondent nos. 5 and 6 is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was a tenant in respect of the premises in question. After demise of the landlord, his wife, the respondent no.5 became the landlord. The petitioner has been paying rent regularly. But, the private respondents now want the petitioner to vacate the premises. Without taking any legal recourse, they are trying to forcibly evict the petitioner. In fact, they have locked the said premises. This was brought to the notice of the police, but no steps were taken.

Learned counsel appearing on behalf of the private respondent denies the allegations and submits that the

respondent no.5 has only asked the petitioner to enter into a proper rent agreement so that he could be treated as a legal tenant in the said premises at a monthly rent of Rs. 1500. But, the petitioner has refused such offer and has continued to occupy the premises as trespasser.

Learned counsel appearing on behalf of the State submits that there is a landlord tenant dispute between the private parties. The private respondent no.5 is a widow and has repeatedly requested the petitioner for increasing the rent. But, the petitioner was reluctant. Considering her old age and medical issues, her nephew, the respondent no.6 came to take necessary steps. A hot altercation had ensued.

Learned counsel for the Corporation submits that there is a tenancy dispute pending between the private parties.

It appears that there is a tenancy dispute between the private parties. Either of the parties shall be at liberty to approach the appropriate forum in this regard.

However, the police as well as the private respondents have stated that the latter have not prevented the petitioner from entering the said premises.

Since, there is no impediment upon the petitioner to enter the said premises, he shall be at liberty to enter the said portion of the premises and if any padlock has been put illegally at the entrance, he shall be at liberty to break open the same.

Therefore, no further order need be passed in this

regard.

However, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

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

Parties shall act on a server copy downloaded from the official website of this Court.

(Jay Sengupta, J.)