

08.10.2024
Ct. No.551
Sl. No. 13
tbsr

WPA 17453 of 2024
Abdul Karim Osmani
Vs.
Midnapore Municipality & Ors.

Mr. Rabindranath Mahato
Mr. Aritra Shankar Ray
....for the petitioner

Mr. Sujay Bandyopadhyay
Mr. Jagajyoti Das
....for the Midnapore Municipality

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

2. By filing the instant writ petition, the writ petitioner has prayed for issuance of writ of mandamus for quashing the letter dated 28.06.2024 as issued by the Executive Officer, Midnapore Municipality/respondent no. 4 herein addressed to the writ petitioner.

3. In course of hearing learned advocate for the writ petitioner at the very outset draws attention of this Court to page No. 37 of the instant writ petition.

4. It is submitted that by a decree passed in Title Suit No. 43 of 1999 a competent Civil Court has declared that the present writ petitioner is a tenant under the respondent no. 1, Municipality in respect of schedule mentioned property of the said decree.

5. It is submitted further that by issuing the letter dated 28.06.2024 a copy which is available at page

no. 43 the respondents are making attempt to evict the present writ petitioner without due course of law and in complete violation of the dictum of the Court as available in the aforementioned decree.

6. Such submission is, however, disputed by the learned advocate appearing on behalf of the respondent Municipality.

7. He also draws attention of this Court to the copy of the letter dated 28.06.2024.

8. On perusal of the copy of the aforementioned letter, this Court finds no whisper regarding the alleged unlawful threat of eviction of the writ petitioner at the instance of the respondent authorities.

9. In view of such, this Court finds that it is not a fit case for exercising writ jurisdiction of this Court.

10. The writ petition in considered view of this Court, is frivolous and has got no merit at all.

11. Accordingly, the instant writ petition is dismissed with cost of Rs. 5,000/- which is to be deposited by the writ petitioner with the Office of the State Legal Services Authority, 2 & 3 Kiron Shankar Road, Kolkata. On such deposit the member Secretary, West Bengal, State Legal Services Authority shall credit the same amount in the victim's compensation fund.

12. Department is directed to forward a copy of this order to the State Legal Services Authority forthwith.

13. It is further made clear that in the event such costs is not paid, liberty is given to the respondent no. 1 to recover the said costs as property tax and after recovery the respondent no. 1 shall remit the said amount to the State Legal Services Authority, West Bengal.

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

(Partha Sarathi Sen, J.)