

*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. 3001 of 2023
Goutam Kumar Patra & Anr.
Vs.
D. M. Library

Mr. Sounak Bhattacharya,
Mr. Anirban Saha Ray,
Mr. Sounak Mandal ... For the petitioners.

The instant application under Article 227 of the Constitution of India is at the instance of the plaintiffs in a suit for eviction, which is directed against the part of the Order No. 04, dated July 25, 2023 passed by the learned Chief Judge-in-Charge, Presidency Small Causes Court at Calcutta, in the said suit being Ejectment Suit No. 150 of 2023 whereby the petitioners have been directed to remove the iron gate in the suit property enabling the opposite party to get access to the privy and drinking water source.

Mr. Bhattacharya, learned advocate for the petitioners submits that under the agreement for tenancy, the petitioners are not obliged to provide the said facilities to the opposite party, as such the learned Trial Judge has acted with material irregularity in directing removal of the iron gate in terms of Section 4(3) of the West Bengal Premises Tenancy Act, 1997.

Heard Mr. Bhattacharya, perused the materials-on-record.

The learned Trial Judge has left the issue as to the entitlement of the opposite party to the said facilities under the tenancy agreement, to be decided in the suit but has exercised his discretion to allow the opposite party to enjoy the said basic facilities, as such this Court is not inclined to interfere with it. However, the security of the suit premises may be compromised if

the iron gate is removed therefore, instead of removing the said gate, the petitioners shall allow free access of the opposite party to the privy and drinking water source.

C.O. 3001 of 2023 is disposed of with the above terms without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)