

January 31, 2024
AD 82
Ct. No.14
SG

WPA 25608 of 2023

Rishra Vidyapith Educational Society
vs.
The State of West Bengal and others

Mr. R.K. Basu

... for the petitioner.

Mr. Jayanta Samanta
Mr. Supriya Majumder

... for the State.

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Purba Mukherjee
Ms. Mohona Das
Ms. Payel Shome
Ms. Sampriti Saha

... for the respondent No.5.

Affidavit of service filed in Court is taken on record.

A copy of the order dated 10.05.2023 passed by a Coordinate Bench in WPA 23108 of 2022 as filed by the petitioner is also taken on record.

A notification dated 18.12.2018 issued by the Commissioner, School Education, West Bengal filed by the private respondent is also taken on record.

Report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is an educational trust running three schools. The third unit is a private school. The respondent No.5 had requested to provide two rooms in their school for the purpose of use. Two rooms were

provided. At present the educational trust wants the rooms back. But, the private respondent is not willing to comply. In fact, he locked the two rooms as also the main institute run by the petitioner. Earlier, a similar issue was agitated before a Coordinate Bench of this Court and the Court directed the parties to approach the civil forum. However, this is a distinct issue that can be agitated.

Learned advocate for the respondent No.5 relies the notification for running government as well as private schools. It is actually the intention of the trust to grab a portion of the property so that the same can be used by the promoter who was running the private school. In any event, the present writ petition is not maintainable as the same issue was agitated earlier and decided by a Coordinate Bench of this Court.

It appears from the order dated 10.05.2023 that the petitioner claimed that the private respondent had locked the two rooms and also the main gate of the school. The Court directed the parties to approach the civil forum. In fact, the parties have approached the civil court for such purpose. The present application also seeks similar relief.

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.

With these observations, the writ petition is disposed of.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]