

OD - 3

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/49/2024
IA NO: GA/1/2024
ASIF LATIF
VS
STATE OF WEST BENGAL AND OTHERS RAJENDRA LAL

BEFORE :
THE HON'BLE THE CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE JUSTICE SUPRATIM BHATTACHARYA
DATE : 8TH February, 2024.

Appearance :
Mr. Arindam Banerjee, Adv.
Mr. Arnab Dutt, Adv.
Mr. Jit Roy, Adv.
Mrs. Laboni Dey, Adv.
..for appellant
Mr. Indranil Nandi, Adv.
Mr. Sayak Konar, Adv.
Ms. Madhumita Patra, Adv.
...for respondent 2.
Mrs. Reshmi Ghosh, Adv.
Ms. Panna Mukherjee, Adv.
...for respondent 4.

The Court :- This intra-Court appeal is directed against the order dated 18th January, 2024 in WPO/1/2023. The said writ petition was filed by the appellant praying for a direction upon the respondent no. 2, who is Administrator General and Official Trustee of the West Bengal to restore possession of the appellant with respect to one shop room on the ground floor with mezzanine and bath and privy at premises No. 56C, Mirza Ghalib Street, Kolkata 700 016 to the appellant by removing/opening padlock from the said

shop room and direct the respondent and their assigns to act in accordance with law. There are other subsidiaries and ancillaries to the said prayer, in the writ petition. The learned Single Bench after considering the factual position has held that appellant/writ petitioner is not a recorded tenant in respect of the shop room on record of Administrator General and Official Trustee and failed to prove the basis of claim relating to Paramount Refrigeration Company. Further, it has been held that the appellant is neither the landlord nor co-owner of the property and appellant's predecessor-in-interest was a tenant who died in 1992 and the appellant was not inducted as tenant in place and instead of predecessor-in-interest. Furthermore, it has been held that the appellant has failed to show that original tenant had any right to induct the sub-tenant. In our view, the writ petition is not maintainable merely because the property in question is under control of the Administrator General and Official Trustee of West Bengal, the appellant is not entitled to maintain a writ petition which is in the nature of a Civil Suit where the appellant seeks for recovery of possession of a property which admittedly is under the control of Administrator General and Official Trustee and the owner of the property being the fourth respondent namely, the Armenian College & Philanthropic Academy. Therefore, we are of the view that learned Single Judge has rightly declined to grant any relief in the writ petition.

Thus, we find no ground to interfere with the said order.

Accordingly, the appeal fails and dismissed.

Consequently, the application stands closed.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(SUPRATIM BHATTACHARYA, J.)

pkd/GH.