

OD - 4

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1560/2023
JAGADISH PRASAD KANU
VS
THE OFFICIAL LIQUIDATOR H C , CALCUTTA AND ORS.

BEFORE :
THE HON'BLE JUSTICE SABYASACHI BHATTACHARYYA
DATE : 30th January, 2024.

Appearance :
Mr. Sanwar Jahan, Adv.
Mr. Sayantan Hazra, Adv.
....for petitioners
Ms. Tanushree Dasgupta, Adv.
Mr. Atanu Mondal, Adv.
...for O/L

The Court :- In pursuance of an order dated January 22, 2024 the petitioner furnishes a valuation report as well as all documents in original, pertaining to the title of the petitioner with regard to the disputed property.

In view of furnishing such documents as well as an amount of Rs.17,400/- as assessed by the valuer to cover the value of the total the movable property lying on the property, there cannot be any further impediment to handover possession of the concerned immovable property in favour of the petitioner. Accordingly, the Official Liquidator is directed to handover vacant and unencumbered possession of the immovable property in question to the petitioner within February 5, 2024.

It is, however, made clear that handing over of possession and the fate of the deposit of Rs.17,400/- made by the petitioner with the Registrar, Original Side shall be subject to any orders which may be passed in the application for restoration to be filed by the Official Liquidator in connection with the winding up petition.

WPO/1560/2023 is accordingly disposed of in terms of this order, without any order as to costs. The valuation report as well as the report of the Official Liquidator and the original documents filed by way of supplementary affidavit by the petitioner be made part of the records.

It is made clear that it would be open to the petitioner to claim the usufructs of the immovable property which might have accrued in the interregnum before the appropriate forum without being prejudiced in any manner by any of the observations made herein.

(SABYASACHI BHATTACHARYYA,J.)