

18.03.2025

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WPLRT 24 of 2025

Aditya Kasat

– Versus –

State of West Bengal & Others

Mr. Mainak Bose,
Mr. Rishabh Karnani,
Mr. Anurag Bagaria
... for the Petitioner.

Mr. Sk. Md. Galib,
Mr. Manish Biswas
... for the State/Respondents.

Mr. Saptansu Basu,
Mr. Bratim Kumar Dey,
Ms. Anjana Banerjee
... for the Respondent no.3.

Affidavit-of-service, as filed, be kept on record.

The present writ petition has been preferred challenging *inter alia* an order dated 24th December, 2024 passed by the learned Tribunal in a miscellaneous application, being MA 1468 of 2024, filed in connection with the original application (in short, OA) being OA 2963 of 2024 preferred by the respondent no.3 herein challenging *inter alia* an order dated 24th September, 2024 passed by the Controller, Kolkata Thika Tenancy being the respondent no.2 herein.

Records reveal that earlier an order dated 9th March, 2012 was passed by the Controller, Kolkata Thika Tenancy (hereinafter referred to as the Thika Controller) declaring the respondent no.3, namely

Uttam Kumar Das as a Thika Tenant with regard to the subject property. Aggrieved by the said order, the writ petitioner, namely, Aditya Kasat preferred an OA, being OA 3967 of 2022 which was disposed of by the learned Tribunal by an order dated 15th May, 2024 relegating the issue for consideration to the Thika Controller. Pursuant to such direction, the Thika Controller heard the respective parties and passed an order on 24th September, 2024 arriving at findings different from the findings arrived at in the earlier order dated 9th March, 2012 passed by his predecessor-in-office. Aggrieved by the said order, the respondent no.3 preferred the OA, being OA 2963 of 2024 along with a miscellaneous application, being MA 1468 of 2024 praying for an interim order. Upon considering the said application, the learned Tribunal passed an order directing the parties to maintain *status quo* with respect to the nature, character and possession of the subject property and not to create any third party interest over the subject property till the next date of hearing scheduled on 9th June, 2025.

Mr. Mainak Bose, learned senior advocate appearing for the writ petitioner submits that in view of the findings arrived at by the learned Tribunal in the order impugned nothing remains to be decided in the main application inasmuch as the learned Tribunal arrived at specific findings that when the matter was

sent for reconsideration, the learned Tribunal had not quashed the earlier order of the Thika Controller dated 9th March, 2012. It was also observed and that the subsequent order passed by the Thika Controller on 24th September, 2024 was bereft of merit. Such findings, as arrived at, would severely prejudice the writ petitioner at the time of final hearing of the original application.

Mr. Saptansu Basu, learned senior advocate appearing for the respondent no.3 submits that the findings which have been arrived at are *prima facie* and on the basis of such *prima facie* findings, the learned Tribunal rightly granted an interim order of *status quo*. There is, thus, no infirmity in the order impugned warranting interference of this Court.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

A composite perusal of the order would reveal that certain findings were arrived at pertaining to status of the respective parties in respect of the subject property and on the basis of such findings the learned Tribunal had observed that a *prima facie* case had been made out by the respondent no.3 and accordingly, the interim protection, as prayed for, was granted. It appears that the said findings, as arrived

at, are tentative in nature and on the basis of the said observations the interim order was passed.

In view thereof, the learned Tribunal is directed to decide the matter, as fixed on 9th June, 2025, on merits and without being influenced by the observations made in the order impugned in the present writ petition.

The learned Tribunal is also requested to dispose of the OA as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

With the above observations and directions, the writ petition is disposed of.

There shall, however, be no order as to costs.

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

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)