

02.05.2025
Sl. No.20
Ct.3/ tkm

W.P.A. 4618 of 2025
CAN 1 of 2025
[Aloke Kumar Bhattacharya Vs. State of West Bengal & Ors.]

Mr. Syed Arif Ahmed
... .. for the petitioner

Ms. Sipra Majumdar
Ms. Somashree Dey
... .. for the State

Mr. Anjan Ray
Mr. Subhajit Chowdhury
... .. for private respondent

Re : CAN 1 of 2025

1. The present application being CAN 1 of 2025 is filed seeking restoration of the writ petition which was dismissed for default on 26.3.2025.
2. In view of the averments made in the application, order dated 26.3.2025 is recalled, and the present writ petition is restored to its original file and number.
3. CAN 1 of 2025 is allowed.
4. With the consent of the parties the present writ petition is taken up for hearing.
5. Learned counsel for the petitioner states that petitioner was a lawful tenant of the premises situated at 22/1/1, Jogendra Basak Road, Palpara, Jasoda Park, Ground Floor, PS Baranagar, Kolkata. He has been evicted from the said premises by his landlord without following the due process of law. The petitioner

has filed the present writ petition being aggrieved by the inaction on the part of the respondent authorities in failing to take steps to restore possession of the said property.

6. Perusal of the record reveals that the dispute between the parties is purely civil in nature i.e. dispute between landlord and tenant. The same involves disputed question of facts which this writ Court cannot delve into within the scope of its jurisdiction.
7. In view of the same, this court is not inclined to exercise its discretionary jurisdiction under article 226 of the Constitution of India.
8. In view of above, the present writ petition is dismissed.
9. It shall be open to the petitioner to avail his remedy in accordance with law.

(Gaurang Kanth, J.)