

17.09.2025
Court No.13
Item Nos. 17
pk

MAT 274 of 2021
CAN 1 of 2021
CAN 2 of 2021
CAN 3 of 2024

Ashis Chakraborty
Vs.
Pratima Devi Mehta & Ors.

Mr. S. K. Sarkar,
Ms. Payel Mishra

..for the applicants.

Mr. Sarbajit Mukherjee,
Mr. Nepesh Majhi

..for the appellant.

Mr. Sadhan Kumar Halder,
Mr. Abdus Salam

... for the State.

Mr. Supriyo Dutta

... for the respondent no. 1.

1. CAN 1 of 2021 is an application for leave to appeal filed by a person claiming to be a tenant of the property in question.

2. CAN 3 of 2024 is an application filed by the landlord to be added as party respondent in the instant appeal as well as the writ petition. The writ petition was originally filed by a person claiming to be the actual tenant of the property. He found upon opening the shop room that there was a wall constructed thereat without his knowledge or consent. He obtained an order of demolition

of the wall and the wall was infact demolished. Police have taken possession of the shop room.

3. Being aggrieved by the conduct of the police, the writ petition was filed.

4. This Court finds that the proposed appellant, who also claims to be the tenant in the property, is a necessary party to the proceeding and hence leave is granted to him to prefer the instant appeal.

5. CAN 1 of 2021 is allowed and disposed of.

6. CAN 3 of 2024 is an application by the landlord, who is confronted with two claimants as tenant.

7. The counsel for the landlord disputes the claim of tenancy urged by the writ petitioner before the Single Bench.

8. The writ petition is still pending.

9. In those circumstances, this Court finds that the landlord is also a necessary party to the proceedings before the Single Bench. Hence the landlord being Dagcon India Private Limited is made a party respondent to WPA 9713 of 2020.

10. Let affidavit-in-opposition be filed by the added respondents in the writ petition within a period of one week after reopening of Court after ensuing Puja vacation. Reply, if any, be filed within a week thereafter.

11. Liberty to mention for early hearing before the Single Bench.

12. It is made absolutely clear that this Court has not pronounced the rights and contentions of each of the parties against each other and the Single Bench shall be entitled to proceed with the matter uninfluenced any observation made herein above.

13. The interim order already passed will be subject to the final decision of court after receiving all pleadings.

14. With the aforesaid observations, the instant appeal is disposed of. Consequently, connected pending applications are also disposed of.

15. There will be no order as to costs.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)