

22.09.2025.
Court No. 13
Sl. No. 6
pk

MAT 544 of 2023
I.A. No. CAN 1 of 2023
I.A. No. CAN 2 of 2023
I.A. No. CAN 3 of 2023
I.A. No. CAN 5 of 2025

Suchandra Banerjee
Versus
Pratap Chandra Basak and others

Mr. Saugata Mitra,
Mr. Nikhil Kumar Gupta,
Ms. Soma Chakraborty,
Mr. Subhadeep Maitra

...for the Appellant.

Mr. Soumya Roy

..for the private respondent.

1. CAN 3 of 2023 is an application for condonation of delay of 4352 days in preferring the appeal and seeking leave to file the same.
2. It appears that the appellant claims to be the teacher-in-charge of Shyambazar Balika Vidyamandir which was functioning out of premises no. 17A, Shanti Ghosh Street, P.S.-Shyampukur, Kolkata-700003. The landlord of the premises, namely, Pratap Chandra Basak and his legal heirs had filed the writ petition, inter alia, claiming ownership of the property. It is further claimed that the school has been de recognized by the West Bengal Board of Secondary Education and has not been functioning from the said premises for a long time. The appellant claims to

be the teacher-in-charge of Shyambazar Balika Vidyamandir and Shyambazar Primary School which were also allegedly functioning from the said premises.

3. In the stay application, it is stated that the rent for the said premises was being tendered to the landlord by the surviving two schools from the said premises.

4. This Court notes that the Single Bench has only directed the added respondent, West Bengal Board of Primary Education to investigate as to whether any school has been functioning at the said premises.

5. Apart from the fact that the order does not call for any interference since only an enquiry was ordered to be conducted by the West Bengal Board of Primary Education, this Court also notes that the appellant was claiming to be the tenants of the said premises. Such issue as to whether the tenancy of the proposed appellant survives after non functioning of the school cannot be decided in a writ petition. It further appears from the record that T. S. No. 256 of 2017 filed by the respondent/writ petitioner for eviction of the appellant has already been decreed and the appellant has been deemed illegal occupants of Premises No. 17A, Shanti Ghosh Street, P.S.-Shyampukur, Kolkata-700003.

6. It further appears that due notice was served on the teacher-in-charge of the school by the Single Bench.

7. This Court is, therefore, not inclined to condone the delay in filing the instant appeal or grant leave to file the same.

8. CAN 3 of 2023 is dismissed. Consequently, CAN 2 of 2023 is also dismissed. All other connected pending applications are also dismissed.

9. Hence, MAT 544 of 2023 is dismissed.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)