

18.08.2025.
Item No. 43.
Court No. 13
ap

M.A.T. No. 747 of 2025
With
I.A. No. CAN 1 of 2025

Aloke Kumar Bhattacharya
Versus
State of West Bengal & Ors.

Mr. Anjan Ray,
Mr. Subhajit Chowdhury.
...For private respondents.

1. It appears that the subject matter of challenge in the appeal is an order dated 2nd May, 2025 passed by a learned Single Judge of this Court in W.P.A. 4618 of 2025.
2. The appellant, being a tenant in a premises, has filed the writ petition against the Municipality seeking an order to restore his possession in the said premises.
3. This Court is of the clear view that such remedies cannot be allowed in high prerogative writ jurisdiction under Article 226 of the Constitution of India. The petitioner has several civil remedies including Section 6 of the Specific Relief Act.
4. In those circumstances, the impugned order calls for no interference.
5. M.A.T. 747 of 2025 must fail and is hereby dismissed.

6. In view of dismissal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand disposed of.

7. There will be no order as to costs.

8. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)