

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present :- Hon'ble Justice Amrita Sinha

WPA 20150 of 2025

Md. Sahabuddin
Vs.
The Union of India & Ors.

For the petitioner	:-	Mr. Sounak Bhattacharya, Adv. Mr. Sounak Mondal, Adv. Mr. Abhirup Halder, Adv. Mr. Biplab Bhattacharya, Adv.
For UOI	:-	Mr. Anil Gupta, Adv. Mr. Partha Sarathi Mondal, Adv.
For the respondent no. 6	:-	Mr. Masud Manik, Adv.
Heard on	:-	31.10.2025
Judgment on	:-	31.10.2025

Amrita Sinha, J.:-

1. Affidavits of service filed in Court today are taken on record.
2. The direction passed by the National Commission for Scheduled Tribes directing the petitioner being the tenant of the private respondent, claiming to be a member of the scheduled caste community, to vacate the shop premises and hand over the same to the landlord under police assistance, is impugned in the instant writ petition.
3. The petitioner being the tenant has already approached the civil court for obtaining relief for protection of his tenancy right.

4. The petitioner relies on the order passed by the learned District Judge, Paschim Medinipur on 18th July, 2025 in M. Appeal No. 126 of 2025 (Mohammed Sahabuddin -vs- Sanjeet Singh & Anr.) whereby the private respondent has been restrained from evicting the writ petitioner without due process of law.
5. Learned advocate appearing on behalf of the petitioner submits that the order passed by the Learned District Judge is subsisting till date.
6. It has been submitted that the National Commission for Scheduled Tribes do not have the right or authority to pass any order for eviction especially in view of the fact that the tenancy of the petitioner is duly protected by the order of the competent civil Court.
7. It has been submitted that the entire proceeding drawn up by the National Commission for Scheduled Tribe is behind the back of the petitioner. The petitioner was never put on notice of the proceeding before the Commission and hence did not have the opportunity to place the order passed by the civil forum before the Commission.
8. Prayer has been made to set aside the impugned order of the Commission as the dispute does not fall under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
9. Learned advocate appearing on behalf of the private respondent submits, upon instruction that, the petitioner has voluntarily

surrendered the possession of the tenanted premises in favour of the private respondent in presence of the police.

10. It has been submitted that the petitioner has defaulted in payment of rent for months together and does not have any right to hold on to the tenanted premises.
11. Learned advocate appearing on behalf of the respondent nos. 1 and 2 submits that the petitioner ought to challenge the order passed by the National Commission before the appellate authority.
12. I have heard the submissions made on behalf of all the parties and have perused the documents annexed to the writ petition.
13. It has been brought to the notice of the Court by the learned advocate representing the petitioner that due to repeated police intervention forcing the petitioner to vacate the tenanted premises, the petitioner was compelled to vacate the same. However, the petitioner still insists on protecting his tenancy right.
14. According to the provisions of the Schedules Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Commission does not have any right and/or power to enter into or decide the tenancy dispute in between the parties. The Commission is primarily to protect the members of the reserved community from exploitation and discrimination. The Commission is empowered to investigate and decide complaints of atrocities, deprivation of rights of the members of the reserved category.

15. In fact, the Commission also does not have any authority to adjudicate any issue which is pending before the competent civil forum.
16. In the instant case, the tenancy dispute in between the petitioner and the private respondent is already pending consideration before the civil Court. The Commission, possibly, was not made aware of the pendency of the civil suit because the petitioner was never afforded any opportunity of hearing before the Commission.
17. The Commission is not the competent authority to decide upon any private civil dispute in between the parties. As regards adjudication of civil rights not touching the Act can be made only by the competent civil forum.
18. It appears that the Commission exceeded its jurisdiction in entertaining the tenancy dispute between the parties and proceeded to pass order for eviction. The same is impermissible in law.
19. In view of the discussions made hereinabove the direction passed by the Commission for eviction of the tenanted premises cannot be held to be proper or valid. The same stands set aside.
20. As it appears that the petitioner has already handed over vacant possession of the tenanted premises in favour of the private respondent/landlord, accordingly, the petitioner shall apprise the fact before the learned Civil Court where the matter is pending and obtain further necessary order(s) therefrom.
21. The writ petition stands disposed of.

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

(Amrita Sinha, J.)