

02-07-2025
Item No.651 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.20962 of 2024
Ellenbarrie Industrial Gases Limited & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Ritwik Pattanayak
Mr. Somnath Majumder
Ms. Cardina Roy ...for the petitioners

Mr. Biswabrata Basu Mallick, AGP
Ms. Parna Roy Choudhury ...for the State

Mr. Dhillon Sengupta
Mr. Ayan Chakraborty
Ms. Sohini Mukherjee ...for the Housing Board

1. The first petitioner claims to be a public limited company. An agreement was entered into between the first petitioner and the West Bengal Housing Board in respect of certain flats taken on rent by the first petitioner. The petitioner-company claims to pay rent in respect of subject flats on regular basis.
2. Grievance of the petitioners is that the said flats are occupied by the employees and/or their dependants who are no longer in service with the petitioner-company.
3. According to the petitioner-company, the said flats are meant only for its employees, and the moment the employees lose the relationship with the petitioner-company-employer, the employees do not have any right to occupy the subject flats.
4. The petitioners seek for a direction upon the Housing Board to initiate proceedings against the

persons who are in unauthorized occupation of the subject flats.

5. Upon hearing the respective submissions and on perusal of the documents annexed to the writ petition, it appears that there is no dispute between the petitioners and the Housing Board. There is, however, an issue with the petitioner-company and its retired employees or the employees who are currently not in service for any reasons whatsoever. The petitioners intend to evict them from the subject flats.
6. The Court is of the opinion that the dispute is primarily of private nature between the employer and the employee, and that the writ petition entertaining such a dispute may not be proper. There is no public element involved.
7. In view of the above, the Court is not inclined to exercise its jurisdiction in the instant writ petition. The writ petition fails and is hereby dismissed.
8. Dismissal of the writ petition will, however, not stand in the way of the petitioners to approach the competent forum for remedy, if so advised.
9. Instructions by the Estate Manager, Estate Directorate & Ex-officio, Dy. Secy. Housing Department dated September 4, 2024 filed in Court be taken on record.
10. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
11. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

