

14.11.2025
Item No.50
Ct. No. 30
Aloke

CO 3760 of 2023

Goutam Dutta
Vs
Tarun Kumar Mitra & Anr.

Mr. Abhirup Chakraborty
Mr. Tuhin Ganguly
... for the petitioner

Mr. S.R. Saha
Mr. Suman Kr. Mukherjee
Ms. Rishita Saha
... for the respondent

1. The revisional application has been preferred challenging an order dated 7th August, 2023 passed by the learned Civil Judge (Junior Division), 4th Court at Alipore in Title Suit No. 1357 of 2019.

2. Vide the order under challenge the trial Court came to the conclusion that the petitioner herein was an unlawful occupant of the premises and not tenant and thus rejected his application under Section 7(1) and 7(2) of the West Bengal Premises Tenancy Act.

3. Being aggrieved the present case has been preferred.

4. On hearing the learned counsels for the parties and on perusal of the materials on record, it appears that the petitioner/occupant was inducted into the premises for a period of 11 years by virtue of an unregistered agreement. On completion of the said period, the opposite party initiated the case for eviction

admittedly after the period and contract for 11 years had expired and during the said period of 11 years and the opposite party herein as landlord accepted rent from the petitioner/tenant.

5. It is the case of the opposite party herein that after expiry of the period in the agreement, the petitioner is no more a tenant and is thus an 'unlawful occupant' of the premises and his eviction has been sought for.

6. Learned counsel for the petitioner submits that the agreement not being a registered one is not valid and, as such, he is a lawful tenant.

7. If the said argument is taken into consideration, then the induction of the petitioner into the premise itself is unlawful. The petitioner herein has not been considered as a 'trespasser' as his entry into the premises was lawful and after expiry of the period in the agreement, the same has prima facie/allegedly become unlawful.

8. Considering the said facts and the materials on record, this Court finds that the learned trial Court's order under challenge requires no interference, the same being in accordance with law.

9. The Civil Revision is dismissed.

10. Trial Court to proceed expeditiously with the suit.

11. There will be no order as to costs.

12. Connected application, if any, stands disposed of.

13. Interim order, if any, stands vacated.

14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)