

OD-5

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/763/2025

SOCIETY AND BENEFIT CIRCLE
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE:
The Hon'ble JUSTICE SUVRA GHOSH
Date : 13th November, 2025.

Appearance :
Mr. Sakabda Roy, Adv.
Mr. Z. Ahmed, Adv.
For the respondent No. 8

Ms. Ashrita Chakraborty, Adv.
Mr. Paritosh Sinha, Adv.
For the State

The Court : Affidavit of service filed by the petitioner is taken on record.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner is a tenant in respect of a portion of the property in question and seeks to repair the said portion for which he sought permission from the Kolkata Municipal Corporation. By a letter dated June 11, 2025, the Kolkata Municipal Corporation informed the petitioner that such permission was not required in case of certain work in the premises including repairing. The petitioner alleges that the private respondents are obstructing him from effecting such repairs.

Learned counsel for the state submits that the dispute is purely civil in nature. Partition suit is pending between the co-sharers of the property wherein preliminary decree for partition has been granted. The suit is pending final decree.

Learned counsel for the private respondents submits that by an order dated 14th December, 2015 passed in CS 363 of 2014 with GA 3205 of 2014, this court restrained both the parties in the suit from interfering with the occupation, possession and enjoyment of the properties by the other party and restrained them from dealing with, transferring, alienating and creating any third party interest in the premises. The interim order was directed to be continued till disposal of the suit. Admittedly the suit is pending.

I have considered the rival submission of the parties. According to the petitioner, he was inducted as a tenant in the premises in 2024, that is, after grant of the interim order restraining the parties to the suit to create any third party interest in the premises. Therefore such induction is in violation of the order passed by this court on 14th December, 2015.

Learned counsel for the private respondents submits that such induction has been challenged before the appropriate forum.

In view of the above, this Court is inclined to hold that the petitioner cannot claim any equity in respect of the premises in question in view of the order dated 14th December, 2015 and is not entitled to any relief herein.

Accordingly, the writ petition is dismissed.

There shall, however, be no order as to costs.

Since no affidavit has been invited, allegations made in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties, upon compliance with necessary formalities.

(SUVRA GHOSH, J.)