

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Sep-27-2013

Judge : Harish Tandon

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET CA61OF 2012 CP91OF 1973 CA562OF 2012 IN THE HIGH COURT AT CALCUTTA Original Jurisdiction RE : NATABAR DUTTA PROPERTIES (P) LTD.(IN LIQN.) .

BEFORE: The Hon'ble JUSTICE HARISH TANDON Date : 27th September, 2013.

Appearance : Mr.Rajesh Upadhyay, Adv. for Sitaram Shaw Mr.Debrup Bhattacharjee, Adv. for Supriti Dutta Mr.Mainak Bose, Adv. for Ranjana Dutta Mr.Soumya Ray, Adv. for Shib Sankar Dey Ms.Smita Das De, Adv. Official Liquidator The Court : The special officer submits the report on perusal whereof it appears that the entrance of premises No.14A, Amritlal Bose, Street, has been put under lock by one Sitaram Shaw.

It is further pointed out that there are certain obstructions on the passage leading to the staircase of premises No.14A, Amritlal Bose Street.

Sitaram Shaw is represented by Mr.Rajesh Upadhyay, advocate although a plea has been taken that his client was inducted as a tenant in respect of the portion in occupation but this Court finds that it is unconceivable that the main entrance of the premises shall be allowed to be possessed by a third party blocking an access.

The said Sitaram Shaw is directed to remove the padlock on the main entrance and also ensure free passage to the owners of the premises No.14A Amritlal Bose Street from main entrance to the staircase of the said premises.

The learned advocate representing the owner of the said premises submits that there are certain gates affixed on the different floors of the said premises blocking the free access to the respective flo ORS.It has not been brought before this Court as to who has put the said gates blocking the access to the stair case leading to the respective flo ORS.The official liquidator is directed to remove those gates to make a free access to the respective floors to the owners of the said premises.

If the occasion so arises, the official liquidator shall take the assistance of the local police station.

The concerned officers of the local police station shall render all assistance to the official liquidator in carrying out the order passed hereinabove.

The official liquidator informs that certain occupants of premises No.14B Amritlal Bose Street have not delivered the possession as yet.

Mr.Upadhyay, however, says that unless there is a demarcation of premises Nos.14A & 14B Amritlal Bose Street and if any portion of any occupation of his client false within the premises No.14B, Amritlal Bose Street, his client shall hand over the portion to the official liquidator.

The official liquidator is directed to take steps for demarcation of premises No.14A & 14B Amritlal Bose Street by appointing an empanelled engineer and shall see the same is completed within two months from date.

The purchaser of the premises Nos.14A & 14B, Amritlal Bose Street, is directed to pay the remuneration of Ms.Smita Das De for holding the inspection in terms of

the order of this Court which is assessed at 400 GMs.(HARISH TANDON, J.) sbi

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