

WBND070001242023



Title Suit/88/2023
Present Rajib Sarkar
JO Code WB01509

Sushanta Saha Vs. Khokan Ghosh

Order No. 07

Dated 10.10.2023

Today is fixed for hearing of petition U/sec 151 of CPC and WO in the mean time.

Both the parties are present by filing their respective lawyer's hazira.

WO has been filed on behalf of the plaintiff. Copy served.

The instant petition has been filed on behalf of the defendant praying for direction upon the Station Manager of Swarupganj Group Electric Supply for reconnection of electric line or installation of new commercial electric connection in the name of the defendant in the schedule shop room.

This is a suit for eviction filed by the plaintiff against the instant defendant and in the WS filed the defendant categorically admitted of being inducted as a tenant by the plaintiff. However, the defendant has inter-alia contended that the plaintiff is not the actual owner of the schedule premises and it has been constructed over the land of PWD.

This court is of the opinion that ownership is not a sine qua non to induction of a tenant and a person who is in physical possession of a premises can do so. If the land is actually that of the PWD as contended by the defendant, the PWD may take steps against the plaintiff but such is not the case in hand. The defendant admittedly being inducted as a tenant by the plaintiff has no right to challenge the ownership of his landlord as per Section 116 of the Indian Evidence Act, 1872.

Further, the instant petition it has been filed seeking electricity connection on a land which is alleged to be of PWD by the defendant himself. But the defendant has failed to produce any document which shows that he has any sort of permission to conduct his business on the land of PWD. An act of encroachment of the PWD land as has been admitted by the defendant is illegal per se and no order of giving electricity connection can be passed over an illegally occupied premises.

Hence, it is

Ordered

that the instant petition be and same is rejected on contest with a cost of Rs. 500/- to be paid by the defendant in favour of the plaintiff.

To date ie. 17.11.2023.

D & C by me,

Sd/- Rajib Sarkar
Civil Judge(Junior Division),
Nabadwip, Nadia

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