Form No. J(2)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present: The Hon'be Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Md. Shabbar Rashidi

WPLRT 55 of 2026

Mahendra Kumar Dugar
Vs.
Rent Controller at Calcutta and another

With

WPLRT 56 of 2026

Bharat Auto Stores
Vs.
Rent Controller at Calcutta and another

With

WPLRT 57 of 2026

Noratanmal Jain
Vs.
Rent Controller at Calcutta and another

With

WPLRT 58 of 2026

M/s. Khaitan Trading Corporation, represented by its partner Kishan Kumar Khaitan
Vs.
Rent Controller at Calcutta and another

With

WPLRT 59 of 2026

Hanuman Mal BalchandNahata alias Balchand Nahata
Vs.
Rent Controller at Calcutta and another

With

WPLRT 60 of 2026

Hanuman Mal Noratan Jain
Vs.
Rent Controller at Calcutta and another

For the petitioner	:	Mr. Souryajit Sengupta, Mr. Sachinda Nanada Pandey Mr. K.P. Tiwari
For the State	:	Mr. Nilanjan Bhattacharjee, SSC Mr. Bratin Kumar Dey
For the private respondent	:	Mr. Avishek Prasad Ms. Riya Ballav Ms. Shreyasi Manna
Heard on	:	17.11.2026
Judgment on	:	17.11.2026

Sabyasachi Bhattacharyya, J.:-

1. In view of the identity of the issues involved, all the matters are taken up for hearing together.

2. The present writ petitioners have been preferred against orders whereby the West Bengal Land Reforms and Tenancy Tribunal, in challenges preferred by the tenant/petitioners against the determination of fair rent by the Controller under the West Bengal Premises Tenancy Act, 1997, refused to grant stay/injunction.

3. Learned counsel for the petitioners submits that by dint of the directions of the Tribunal passed in the self-same original applications, the petitioners have already paid half of the amount adjudicated as fair rent to the landlord/private respondent.

4. Despite the same, it is submitted that the prayer for stay has been refused in all the matters, thereby jeopardizing the petitioners, particularly since the respondents/landlord have already initiated suits for eviction against the petitioners on the ground of non-payment of rent at the rate as decided by the Controller as fair rent.

5. Learned counsel appearing for the respondents submits that the learned Tribunal rightly observed that the petitioners have an equally efficacious alternative remedy than injunction in the form of monetary compensation.

6. As such, it is argued that the learned Tribunal rightly dismissed the applications for stay.

7. Upon a perusal of the impugned orders, we find a confusion of concepts on the part of the learned Tribunal, since the yardsticks applicable to injunction have been applied, despite the applications which were being heard were for stay.

8. Be that as it may, unless orders of stay are granted, the very challenges to the adjudication of fair rent thrown by the petitioners in the original applications would be rendered infructuous.

9. However, at the same time, equities ought to be balanced, inasmuch as the petitioners ought to go on paying occupation charges to the private respondents as a condition for such stay at the previous rates of rent which were being paid prior to fixation of fair rent in each of the matters.

10. Accordingly, WPLRT 55 of 2026, WPLRT 56 of 2026, WPLRT 57 of 2026, WPLRT 58 of 2026, WPLRT 59 of 2026 and WPLRT 60 of 2026 are disposed of by setting aside the orders impugned therein, disposing of the stay applications in connection with the original applications by granting stay of operation of the orders of the Rent Controller fixing fair rent, subject to the condition that the petitioners shall go on paying monthly occupation charges to the private respondent at the rates at which rent was being previously paid by the petitioners prior to the adjudication of fair rent.

11. The first of such monthly occupation charges shall be paid by the petitioner in each of the matters on or before November 30, 2026, for the current month of November, 2026, and thereafter by the last day of each succeeding month for the said current month.

12. Such payments shall be without prejudice to the rights and contentions of the parties in the original applications and shall be subject to the final orders passed in the original applications.

13. It is made clear that the merits of the contentions of the parties in the original applications have not been gone into by this Court.

14. We further clarify that in default of any of the monthly payments as directed above in each of the cases, the stay granted by us shall stand automatically vacated without further reference to the Court or the Tribunal.

15. In view of the long pendency of the original applications before the Tribunal, we request the learned Tribunal to dispose of the original applications as expeditiously as possible, preferably within three months from the date of communication of this order to the Tribunal.

16. There will be no order as to costs.

17. Urgent photostat certified copies of this judgment, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Md. Shabbar Rashidi , J.)

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