

Court No. 19

29.09.2020

(DL 16)

(S. Banerjee)

CRR 1371 of 2020

CRAN 1 of 2020

Sabita Banerjee

Versus

The State of West Bengal & Anr.

Mr. Moyukh Mukherjee, Ld. Advocate

Mr. Abhijit Singh, Ld. Advocate

... for the petitioner

Mr. Saibal Bapuli, Ld. Advocate

Mr. Arijit Ganguly, Ld. Advocate

Mr. Sanjib Kumar Dan, Ld. Advocate

... for the State

The learned advocate for the petitioner undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

Let the affidavit of service filed in court today be kept with the record.

This revisional application relates to the prayer for quashing of a proceeding registered in connection with M. P. Case No. 1661/2020 under Section 144(2) of the CrPC now pending before the learned Executive Magistrate, Barrackpore, North 24 Parganas.

Petitioner is the landlord who, upon execution of a leave and license agreement for 11 months, allowed the private opposite party no. 2 to occupy a premises against payment of rent. After expiration of the stipulated period as per agreement, the premises let out to the opposite party no. 2, could not be vacated. The landlord/petitioner allowed the opposite party no. 2 some concession for the emergence of COVID-19. Even after the situation has been diluted to a little extent, the opposite party no.

2 has never vacated the premises, let out to him, in favour of the petitioner/landlord. On the contrary the petitioner proceeded to initiate a 144(2) proceeding against the petitioner landlord. By the impugned order dated 10.08.2000, the officer in charge of the concerned police station was directed to enquire into the matter and submit a report with a further direction to maintain peace and tranquility at that area strictly.

Learned advocate for the petitioner strenuously submits that the impugned order is devoid of reasons.

Mr. Bapuli, the learned advocate representing the State, submits that necessary order in accordance with law may be recorded in this case after adhering to the provisions of the law.

The principle of law demands some reasons, while recording an order. Assigning of reasons would constitute soul of an order, without which the order will lose its essence including its flavour. Upon perusal of the impugned order it appears that no reasons was assigned in the impugned order, while passing an order asking the parties to maintain peace and tranquility in that area strictly. The impugned order thus being devoid of reasons, cannot be sustained anymore. The impugned order is thus set aside.

With the observations as above the revisional application, along with the connected application, is disposed of.

(Subhasis Dasgupta, J.)