

November 15, 2021
Item No.34
Court No.1
SG/s.biswas

FMA 1191 of 2019
With
CAN 1 of 2019 (Old No. CAN 6098 of 2019)

Uttam Das
vs.
The State of West Bengal and others

(Through Video Conference)

Mr. Arunava Ghosh,
Mr. Anant Shaw,
Mr. Ravi Kumar Dubey, Advocates

... for the appellant

Mr. Samrat Sen, Senior Advocate
Mr. Amitva Mitra,
Ms. Manali Ali,
Ms. Antara Choudhury, Advocates

... for the State

This appeal is directed against the order of the learned single Judge dated 12th June, 2019 whereby the petition filed by the present appellant was disposed of with certain directions.

In the writ petition, the present appellant had raised the grievance that his guest house which he was running in the name of 'Raj Guest House' was illegally sealed by the State authority on the allegation that the appellant was involved and had indulged in immoral trafficking. Since the relief as prayed in the writ petition was not granted, the present appeal has been preferred.

Learned counsel for the State has submitted that now the investigation in three criminal cases pending against the appellant is over and charge-sheet has been filed. Therefore, the State authorities have no objection in de-sealing the guest house in question and handing over the possession to the appellant.

Another issue which learned counsel for the appellant has raised during the course of argument is that the petitioner's Sarai licence has not been renewed on the ground of pendency of the criminal cases.

Learned counsel for the State has assured that if the appellant files the application for renewal of the licence then the same will be duly considered in accordance with law.

Having regard to the above, without interfering in the order of the learned single Judge, we dispose of this appeal by directing the State authorities to de-seal the premises in question and hand over the possession thereof to the appellant within one week from today and also consider the fresh application for licence in accordance with law.

The appeal and the connected application are accordingly disposed of.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]