

28.01.2021.
Item No. 5

M.A.T. 1104 of 2019
With
C.A.N. 1 of 2019 (Old No. C.A.N. 7871 of 2019)

Sri Joydeep Ghosh
Vs.
The State of West Bengal and others.

Mr. Prasenjit Mukherjee.
... for the appellant.

Mr. Subhabrata Dutta,
Mr. Debashis Sarkar.
... for the State.

Mr. Arabinda Chatterjee,
Mr. Mrityunjoy Chatterjee.
... for the respondent no. 7.

At the first blush we were in fix as to why the appellant has filed the instant appeal before the Division Bench.

By the impugned order dated 20th June 2019, the Single Bench disposed of the writ petition without passing any direction either to renew or not to renew the gun licence, which has been admittedly surrendered and kept in the custody of the authorized agency. The licence was initially issued sometimes in 2012 and was renewed in the year 2015 and further renewed thereafter, which expires in the year 2018.

The grievance of the writ petitioner/appellant is that taking advantage of the forged document, the licence was issued and/or subsequently renewed behind his back and the moment it was divulged, immediate actions were taken for retrieving of such document by making an application under Right to Information Act.

Be that as it may, we are not venturing to enter into such disputed arena but the grievance appears to have been centered around the observations recorded in the impugned order relating to the family settlement and the signatures appended thereto. The writ petitioner/appellant felt aggrieved with such observations, as, according to him, it will have an adverse impact in future. As per the learned Advocate for the writ petitioner/appellant, there was no family settlement ever entered into by and between the parties and, therefore, such observations should be expunged from the impugned order.

The matter got further impetus because of the submission advanced by the learned Advocate for the State, who on earlier occasion submitted that he received an instruction from the concerned officer that a document styled as 'family settlement' was submitted to him, which must be lying in the record. We permitted the State to produce the document. The document, which is sought to be styled as 'family settlement' does not appear to be so, as it is a mere affidavit sworn before the Notary Public allegedly intending to relinquish the right over the said gun.

Though the nomenclature of a document is not a vital aspect, as the Court or an adjudicatory authority shall consider the contents thereof, yet we can perceive the anguish shown by the writ petitioner/appellant that the nomenclature may stand against him in future.

The matter is still pending before the Magistrate after the submission of the final charge-sheet and we hope and trust that the concerned Magistrate would take endeavour to bring it to its logical conclusion at an earliest.

We have been informed by the private respondent that after expiration of period reserved in

the last renewal, no further application for renewal has been made and we feel that such submission is sufficient enough for the authority to take note of it and act accordingly. If any application in future is made by the private respondent, the authority would inform the same to the writ petitioner/appellant and will thereafter proceed accordingly.

We are not aware whether the extant rule provide such mechanism or the modalities to be adopted but we feel it just and proper for ends of justice or *ex debito justitiae*.

With these observations, the instant appeal is disposed of.

In view of the disposal of the appeal itself, the connected application being C.A.N. 1 of 2019 (Old No. C.A.N. 7871 of 2019) has become infructuous and the same is also disposed of.

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(Harish Tandon, J.)

(Kausik Chanda, J.)