

07.04.2022

Sl. No. 48

Court No.13

B.M.

WPA 462 of 2022

Uttam Das

Vs.

State of West Bengal & Ors.

(Via Video Conference)

Mr. Arunava Ghosh

Mr. Anant Shaw

Mr. Ravi Kumar Dubey ... for the petitioner

Mr. Santanu Kumar Mitra

Ms. Madhuri Das ... for the State

This court has considered the report filed by the Commissioner of Police, Barrackpore Police Commissionerate. It appears that the first and primary ground for refusal to renew licence under the Sarai Act is pending of two cases against the petitioner under the Immoral Traffic (Prevention) Act, 1956. The other reasons for not renewing the licence is objection from local women.

The second objection appears completely vague and not supported by any facts or documents. The allegation leveled against the petitioner in this regard is far too wide.

Be that as it may, this court finds that Division Bench of this Court in FMA 1191 of 2019, by order dated 15th November, 2021 has directed the guest house to be de-sealed pending consideration of application for licence.

It is also submitted by Mr. Ghosh, learned counsel for the petitioner that a large number of Hotels and Guest houses in the area have been allowed to function with renewed, licence notwithstanding pendency of cases under the Immoral Traffic (Prevention) Act.

It is settled position of law that a person cannot be held guilty merely because a case is pending against him. The guilt of the petitioner can only be ascertained after trial. It also appears to this court that different reasons have been given in three different reports. In one such report, objection of the local people is referred to against the renewal of Sarai Licence to the petitioner. The objection of such local people does not appear to be genuine to this Court.

In that view of the matter, this court directs that the Commissioner of Police, Barrackpore shall consider the representation of the petitioner afresh, and dispose of the same in accordance with law, and in the light of the observations made hereinabove.

The guest house may function, in the meantime.

With the aforesaid observations, the writ petition is disposed of.

(Rajasekhar Mantha, J.)