

03. 16.06.2025.
Court No.23.
(Pritam)

**CRR 1516 of 2018
with
CRAN 2 of 2025.
(Not in File)**

**Col. Sabyasachi Bagchi & Ors.
-Vs.-
Manju Sharma.**

Mr. Kaushik Kundu,
Mr. Sujan Chatterjee.
...for the petitioners.

1. Two Affidavits-of-service, filed on behalf of the petitioners, are taken on record.
2. Despite good service, none appears on behalf of the opposite party. No accommodation has been sought for.
3. The instant Criminal Revisional application has been filed by the three petitioners being Chairman, Executive Director and Estate Manager, West Bengal Small Industries Development Corporation Limited, Shilpa Bhawan, Kol-700012, Government of West Bengal seeking quashing of the proceeding being CNS No. 389 of 2017 pending before the Learned 18th Metropolitan Magistrate, Calcutta under Sections 120B/185/389/506(II) of the Indian Penal Code and all orders passed in connection therewith.
4. It is the contention of the petitioners that one lease deed was executed and registered between the West Bengal Small Industries Corporation Limited and one Amitabha Mitra, S/o

Shri Amar Kumar Mitra in connection with all that piece and parcel of land or on part thereof in the industrial estate having an area of about 5-6 Cottahs being part of Siliguri Industrial Estate being Plot No. 32, Mouza – Debgram - 1, P.S.- Bhaktinagar in the district of Jalpaiguri to set up a small-scale unit for manufacturing of Steel Furniture for 70 years with certain terms and conditions.

5. A show cause notice was issued on June 27, 2011 asking why the lease deed will not be terminated and the allotment of Plot No. 32 at Siliguri Industrial Estate will not be resumed after eviction as per the provision of West Bengal Government Premises (Tenancy Regulation) Act, 1976 on the ground that the same unit being M/s. Bulmat remained close and non-functioning for more than six months violating the terms and conditions of the lease deed clause no. 5. Against that notice, none turned up to reply.

6. However, a lady, namely, Nitu Sharma has given reply on 28.07.2011 contending therein, *inter alia*, as under;

“My husband late Ram Naryan Sharma purchased a factory shade on 19.02.1999 i.e during his life time at 32, Industrial Estate, Sevak Road, Siliguri which was running under the style of BULMAT. At present my husband has expired and after his death the said factory shade remains as it is where it is. Myself Nitu Sharma, Wife of Late Ram Narayn Sharma is a house wife & I have no knowledge of WBSIDC rules and regulations. Recently I am looking out my husband’s business as there is none to take care of our family business.

In the mean time I have come to know that a show cause notice has been issued to BULMAT regarding violation of

WBSIDC rules and regulations, As I was not aware of the notice, I could not communicate my reply timely to WBSIDC.

In view of the foregoing, I would pray to your good self to register my name in your records instead of BULMAT situated in the said plot. In this connection I am assuring you, sir, that the rules and regulations of WBSIDC as leveled against me for the said cause will be followed meticulously. The WBSIDC charges/fees including arrear to till date will be borne by me immediate after receiving your order”.

7. A proceeding started by prescribed authority under Rule 3(1) of the W.B. Govt. Premises (Tenancy Regulation) Rules, 1976 and an order dated 15.09.2014 passed against lessee M/S Bulmat and, subsequently, in November 2, 2016 possession of M/S Bulmat, Plot No. 32 including structure, machineries, furniture etc. as submitted inventory list at Siliguri Industrial Estate has been taken over on 02.11.2016. But, the complainant/opposite party, Manju Sharma, daughter of Nitu Sharma, without any authority and knowing the aforesaid facts of taking over the possession, filed a false complaint case against the Petitioners and other two persons in the year 2017 alleging the accused persons, after hatching conspiracy with each other, forcefully ousted Ram Krishna Singh, an employee and put a Pad-lock and kept all machineries, documents etc. Hence, the revisional application

8. Having heard the learned advocate appearing on behalf of the Petitioners and upon perusal of the records, this Court finds the Petitioners are Government employees. The original lessee has been ousted after due process of law under the

West Bengal Govt. Premises (Tenancy Regulation) Rules, 1976 on 2nd November, 2016.

9. It further reveals one Manju Sharma, daughter of Nitu Sharma filed a civil suit being Title Suit No. 1559/2016 before the Learned 11th Bench, City Civil Court, Calcutta claiming that she purchased the factory on February 19, 1999. The said Title Suit was rejected by the Learned Bench under Order VII Rule 11 of the Code of Civil Procedure on February 20, 2024 as the suit property is situated beyond the territorial jurisdiction of the said City Civil Court, Calcutta.

10. Before that, the original lessee, Amitava Mitra, proprietor of M/S Bulman also filed a Writ Petition being W.P. No. 12675 (W) of 2015 (Amitava Mitra Vs. The State of W.B. and Others) and same was dismissed for default on 10.08.2017, when the Petitioner failed to appear on the date fixed.

11. In view of the aforesaid facts, the allegation made by the opposite party appears false, frivolous and fabricated and has no merit. Therefore, complaint case has no leg to stand. Lease in respect of land in question of original lessee has already terminated and possession of the land has been taken over by the prescribed authority of the Government of West Bengal in accordance with law and, thus, the proceeding initiated against the petitioners is abuse of process of law.

12. Accordingly, the proceeding being CNS No. 389 of 2017 under Sections 120B/185/389/506 (II) of the Indian Penal Code pending before the learned 18th Metropolitan Magistrate,

at Calcutta, is hereby quashed insofar as the petitioners are concerned.

13. Interim order, if any, stands vacated.

14. Let a copy of this Order be communicated to the Learned Trial Court for information.

15. Accordingly, **CRR 1516 of 2018** is **allowed**.

16. Consequently, **CRAN 2 of 2025** is also, thus, disposed of.

17. Urgent photostat certified copy of this Order, if applied for, is to be given as expeditiously to the parties on compliance of all legal formalities.

(Ajay Kumar Gupta, J.)