

(1988) 03 CAL CK 0040

Calcutta High Court

Case No: Rev. No. 1753 of 1987

Gobinda Chandra Mondal

APPELLANT

Vs

Samarendra Nath Kundu

RESPONDENT

Date of Decision: March 17, 1988**Acts Referred:**

- Constitution of India, 1950 - Article 227
- West Bengal Premises Tenancy Act, 1956 - Section 31

Citation: 92 CWN 1155**Hon'ble Judges:** Mukul Gopal Mukherji, J**Bench:** Single Bench**Advocate:** Bhaskar Bhattacharjee, Jyotirmoy Bhattacharjee and S.K. Bose, for the Appellant; Subhas Ch. Bhattacharjee and Protima Ganguly, for the Respondent**Final Decision:** Dismissed

Judgement

Mukul Gopal Mukherji, J.

This is an application under Article 227 of the Constitution of India impugning an order dated 27th April, 1987 passed by the learned Rent Controller in R.C. Case No. 662 of 1974. The petitioner is a landlord and the opposite party is a tenant. At the behest of the opposite party there was a proceeding u/s 31 of the West Bengal Premises Tenancy Act 1956 against the petitioner on the ground of causing interference with the supply of filtered water.

2. The learned Rent Controller by his judgment and order dated 27th April 1987 held, inter alia, that the tenant-complainant has not been able to prove that the landlord (the present petitioner) is guilty beyond reasonable doubt but he found as a fact from the Inspector's report dated 10.3.81 that there was no supply of water in the disputed premises. In that view of the matter, the learned Rent Controller directed the landlord (the present petitioner) to take steps so that supply of water to the disputed premises is restored without any delay.

3. Mr. Bhaskar Bhattacharjee, learned Advocate for the petitioner, contends before me that unless the Rent Controller finds the landlord guilty for having caused interference with the supply of service he cannot pass an appropriate direction on the landlord in the regard. Law is specifically clear on the point. Not only can the learned Rent Controller find the landlord guilty on account of causing interference with the supply of water or electricity but he can also direct restoration of supply of water or supply of electricity. Even if the learned Rent Controller has chosen to give a benefit of doubt to the present petitioner who is in the position of an accused in the enquiry, he had ample powers under the law to direct restoration of supply of filtered water in favour of the tenant in the premises.

4. I do not find any illegality calling for interference under Article 227 of the Constitution of India. In the result the revisional application under Article 227 of the Constitution of India stands dismissed.

There will be no order as to costs.