

05.04.2019
P.B.

C.R.R. 25 of 2019

In Re:- Bijay Saha @ Vijay Kumar Shah.

Mr. Ranadeb Sengupta.

.....For the petitioner.

Mr. Saurav Ganguly.

.....For the State.

This is an application in which the petitioner has challenged the order dated 2nd April, 2019 passed by the court of learned District Judge, Jalpaiguri in connection with C.R. No.14 of 2019 arising out of Ptn/R No.265 of 2019 under Section 144(2) of the Code of Criminal procedure, 1973.

It is alleged that opposite parties no.2 to 4 allegedly demanding their predecessor that their predecessor was a recorded tenant of the RS Khatian No.2792 of Mouza – Binnaguri and owner in possession of 10.12 acre of land and after the death of their predecessor, they jointly inherited the said property. The petitioner case specially made in paragraph 2 of the petition under Section 144 is that 23 numbers of RS plot was previously owned by their father.

So, finding disturbance to the said schedule land, the opposite parties preferred a miscellaneous case under Section 144(2) in which the learned Executive Magistrate directed for a report from the O.C. N.J.P. Police Station. If there is any

apprehension of breach of peace over this issue and also directed that status quo in regard to the possession, nature, character of the schedule land as mentioned in the petition under Section 144 be maintained till further order by both the parties and in the meantime, the Officer-in-Charge, NJP was directed to maintain peace and tranquility. This order was assailed in the revisional application being CRR 14 of 2019 before learned Sessions Judge, Jalpaiguri and the same was admitted. However, the order of status quo passed by the Executive Magistrate was granted in favour of the present petitioners. The learned Judge has fixed the date on 17th April, 2019 for service return and appearance.

However, on my request, Mr. Sourav Ganguly, learned advocate for the State has appeared before this court on behalf of the State respondents.

Upon hearing learned counsel for both the parties and in consideration of the grounds as mentioned in the application, the revisional application is disposed of with the direction to the learned District & Sessions Judge to take all endeavour to dispose of the revisional application on the date fixed on 17th April, 2019 on its merit provided due service is effected upon the opposite parties and to consider all the grounds as taken in this revisional application as expeditiously as possible.

Thus, the application being CRR 25 of 2019 is disposed of.

(Shivakant Prasad, J.)