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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 6470 of 2021

Julfikar Molla @ Julfikar Ali
Vs.
The State of West Bengal & Ors.

Mr. Pinaki Bhattacharyya,
Mr. Debjyoti Maity
... For the petitioner.

Mr. Amitesh Banerjee, Sr. Advocate,
... For the State.

Affidavit of service filed in Court today is
taken on record.

The petitioner says that the order dated
15th February, 2021 passed by the learned 1st
Executive Magistrate, Alipore, on an application
made by the petitioner under section 144(2) of the
Code of Criminal Procedure, 1973 (in short, Cr.P.C.)
is flouted by the respondent no.3. The respondent
no.3, according to the petitioner, is disturbing the
construction work said to be lawfully carried out by
the petitioner at his premises. The petition under
section 144(2) of Cr.P.C. was made returnable on 15th
March, 2021 after passing of the order dated 15th
February, 2021.

The police authorities have complied with
the said order as submitted by the State respondents

and have also filed a report on 15th March, 2021, as directed by the learned Executive Magistrate. The police authorities have also issued notice to the respondent no.3 and is keeping strict vigil over the premises in question.

The Court of learned Executive Magistrate is *in seisin* of the matter, despite such fact, the petitioner has approached this Court with allegations of police inaction on the ground that the order of the Magistrate is not being enforced by the police authorities.

After hearing the parties and considering the materials on record I find no substance in the allegations made by the petitioner for exercising writ jurisdiction during the pendency of proceedings under section 144 (2) of the Cr.P.C. The fact, however, remains that the police authorities are bound to enforce the order of the Executive Magistrate. The police authorities are therefor directed to take such steps as required for compliance of the order of the learned Executive Magistrate apart from those already taken.

Nothing remains further to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are

deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)