

18-11-2021  
ct no. 13  
Sl.8  
sp

**WPA 17228 of 2021**

Jahanara Bibi

**-Versus-**

The State of West Bengal & Ors.

**Mr. Probal Sarkar**

**....for the petitioner**

**Mr. Manoj Malhotra,**

**Mr. Sayan Ganguly**

**...for the State/respondents**

The writ petitioner has lodged a complaint dated 24<sup>th</sup> September, 2021 addressed to the Officer-in-Charge, Ranitala Police Station, District-Murshidabad complaining attempt by the private respondents to occupy a portion of land measuring 43 decimal in L.R. Plot No. 316, J.L. No. 125 of Mouza-Char Molladanga, District-Murshidabad under the jurisdiction of Ranitala Police Station. From the said letter dated 24<sup>th</sup> September, 2021, it also appears that the land measuring 43 decimal has not yet been demarcated whereby it can be ascertained the portion of the land which is owned by the writ petitioner. It is submitted an order has been passed by the Executive Magistrate, Lalbagh, Murshidabad under Section 145 of the Code of Criminal Procedure for maintaining peace but the writ Court ought not give any direction at this stage for implementation of the order of the

Executive Magistrate, Lalbagh, Murshidabad in the present proceeding.

Moreover, considering the fact that no demarcation of the said plot measuring 43 decimal has yet been made in favour of the writ petitioner, it is not practicable for this Court in exercising writ jurisdiction to enter into the issue and to give any direction upon the authority concerned with regard to the enjoyment of the plot of land by the writ petitioner qua the private respondents.

Mr. Sayan Ganguly, learned advocate appears on behalf of the State-respondents and submits a report of the Ranitala Police Station, District-Murshidabad whererfrom it appears that the concerned police authority has issued notice to prevent untoward incident in view of the order passed by the Executive Magistrate, Lalbagh, Murshidabad on 27<sup>th</sup> August, 2021.

The report dated 8<sup>th</sup> November, 2021 is taken on record.

In view of the above facts, no order need to be passed in the writ petition and the same stand disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties.

**(Saugata Bhattacharyya, J.)**

