

g.b.
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19.03.
2021
Ct. No.06

WPA 22439 of 2019

**Abul Kasem Laskar
Vs
The State of W. B. & Ors.**

**Sk. Abdus Salam
Mr. Brajaballabh Saha
.....For the Petitioner**

Heard learned advocate appearing for the writ petitioner.

It appears that the grievance of the petitioner is against the illegal construction by the private respondents and against which he had initiated proceeding under Section 144 of the Code of Criminal Procedure and in that proceeding there is an order dated 16th October, 2019 being annexure 'P-4' to the writ petition. It is the grievance of the petitioner that in spite of the order of the learned Magistrate dated 16th October, 2019, police is not taking any action against the alleged unauthorized construction.

I am of the view that today 144 proceedings has lost its force and thereafter no piece of paper was shown before this court that any breach of peace or unauthorized construction is being carried out by the private respondent.

Considering this fact I am of the view that there is no scope of entertaining this writ petition.

Accordingly, WPA 22439 of 2019 is dismissed.

However, dismissal of writ petition will not prevent the petitioner from availing any remedy, if available to him under the law.

(Md. Nizamuddin, J.)