

31.03.2022
S.D.
07.

C.R.R. 582 of 2015
(Via Video Conference)

In the matter of: Nekjad Sk. & Ors.

.....Petitioners.

Mr. Prosenjit Mukherjee

...For the Petitioners.

Mr. Binoy Panda

Mr. Subham Bhakat

.....For the State.

The revisional application under Section 482 of the Cr.P.C. is listed today for hearing.

Learned advocate for the petitioners and opposite party/State are present. None appears for opposite party nos. 2 and 3.

This application has been filed by the petitioners challenging an *ex parte* order dated 16.1.2015 passed by learned Executive Magistrate, Rampurhat, Birbhum in Misc. Case No. 118 of 2015 in a proceeding under section 144 of Cr. P.C.

Learned advocate for the petitioners submitted that the petitioner is a Bargadars in respect of the case property and in order to prevent them from cultivating the land, the opposite party no. 2 filed an application under Section 144 of the Cr.P.C. before the Executive Magistrate. It is further submitted that the case land has already been vested in the State and Patta granted to the petitioner but at the instance of the opposite party no. 2, the impugned order dated 16.1.2015 has been passed by the Executive Magistrate, Rampurhat

whereby the Officer-in-Charge of Rampurhat Police Station has been directed maintain status quo as regard possession of the land consistent with order passed in Misc. Case No. 1640 of 2011 under Section 144 of the Cr.P.C. Learned advocate for the petitioners prayed for quashing of the order.

Heard learned advocate for the State. It is submitted that according to Section 144(4) of the Cr.P.C., an order passed by the Executive Magistrate under section 144(2) of Cr. P.C. remains in force for a period of two months. Therefore, the impugned order having no force may be quashed.

Considered the submissions made by the learned advocates for both sides.

None appeared for the private opposite parties.

The impugned order has no force in the eye of law and there is no indication that the State Government had extended the order by any notification for preventing danger to human life, health or safety or preventing riot or any affray. Therefore, the impugned order is quashed and the revisional application being C.R.R. 582 of 2015 is disposed of.

Let a copy of this order be sent to the Executive Magistrate, Rampurhat, Birbhum for information.

(Ananda Kumar Mukherjee, J.)

