

WPA 11925 of 2018

**Md. Ekbal & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Piyush Chaturvedi
Mr. Bhagbat Chawdhury
Mr. Somesh Ghosh

... ... for the petitioners

Mr. Jahar Lal De
Ms. Smita Das Dey

... ... for the State

The allegation in this petition is in respect of illegal encroachment done on the village road, i.e., 6 Canal Side Road at Buxara Village Road under Police Station Shibpur, Howrah.

Learned counsel for the petitioners has pointed out that the order dated 04.07.2011 was passed by the 5th Additional Magistrate, 2nd Court, Howrah under section 147 of the Cr.P.C. and thereafter Criminal Revision No.140 of 2011 was preferred against this order before the 5th Additional Sessions Judge at Howrah and the revision petition was also dismissed by order dated 16.07.2012 but still the order passed under section 147 of the Cr.P.C. has not been complied with.

Learned counsel for the petitioners as well learned counsel for the State have jointly submitted that the said order can duly be complied with by the respondent no.4, the Commissioner of Police, Howrah Police Commissionerate.

Hence, we dispose of the present petition directing the respondent no.4 to take appropriate steps in

accordance with law for compliance of the order passed under section 147 of the Cr.P.C. on 04.07.2011.

Let the needful be done by him within a period of three months from the date of receipt of a copy of this order.

Learned counsel for the petitioners is directed to submit the copy of the order passed under section 147 of the Cr.P.C. and also the order passed in the revision petition along with the certified copy of this order to the respondent no.4.

The writ petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)