

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 2271 of 2022

**Panchanan Garai & Ors.
Vs.
The State of West Bengal & Anr.**

**For the petitioners : Mr. Malay Bhattacharyya
Ms. Shefa Mondal**

For the State :

Heard on : 06.07.2022

Judgment On : 06.07.2022.

Bibek Chaudhuri, J.

It appears from the Revenue Inspector's order which has been annexed by the petitioners with the instant revision that the petitioner's house is situated on a portion of plot no.1741. The said house is bounded by boundary walls on four sides. The opposite party's house is situated in the remaining portion of plot nos.1741 and 1742. There is pathway mentioned in the deed of the opposite party no.2 for ingress and egress to the house of the opposite party no.2. Proceeding under Section 133 of the Code of Criminal Procedure

was initiated when the petitioners excavated the said pathway and obstructed the petitioners from using the same. On 18th November, 2019 the Revenue Inspector, Bud Bud R.I. Office made spot verification and mentioned that though the said pathway was excavated and subsequently filled up by earth, it is not in proper condition due to excavation by the petitioners.

On perusal of the dispute between the parties, this court is of the opinion that the dispute is essentially civil in nature. No proceeding under Section 133 of the Code of Criminal Procedure is maintainable. Accordingly, the impugned order dated 2nd March, 2020 is set aside.

The instant revision is thus disposed of.

(Bibek Chaudhuri, J.)