

26.08.2022
Court No. 19
Item No. 4 (DL)
CP

WPA No. 16710 of 2022

Khagen Das & ors.
Vs.
The State of West Bengal & ors.

Mr. Saikat Debnath
Mr. K. K. Siddique

...for the petitioners.

Ms. Chama Mookherji
Mr. Siraj Gooptu

....for the State.

The petitioner has initiated a parallel proceeding by filing this writ petition on the selfsame cause of action.

The petitioner has already filed an application under Section 144(2) of the Cr.P.C. vide MP No. 525 of 2022. The learned Executive Magistrate, Basirhat, North 24 Parganas has already passed an order on June 17, 2022 directing the IC, Hasnabad Police Station to enquire into the matter and submit a report by the next date fixed. The police was also directed to maintain peace and tranquility in the area. The Block Land & Land Reforms Officer, Hingalganj was directed to enquire into the matter and submit a report on the following points:

- a) Ownership of suit land.
- b) Possession report of suit land with sketch map.

c) Present physical status of suit land.

The learned Executive Magistrate, Basirhat, North 24 Parganas has fixed on September 22, 2022 for a compliance report by the police authorities.

Under such circumstances, this court cannot entertain this writ petition as parallel proceedings are not permitted.

The learned Executive Magistrate is in seisin of the matter and has directed the police authorities to take certain steps. Whether the police authorities have failed and neglected to take steps as per the said direction, is not germane for adjudication. The time fixed by the learned Magistrate for a compliance report by the police authorities, has not expired. The police authorities shall act in terms of the order of the learned Executive Magistrate, Basirhat, North 24 Parganas.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)