

14.11.2022.
Court No.13
Item No. 13
pk

W.P.A. No. 25468 of 2018

**Tetri Bibi
Versus
The State of West Bengal & Ors.**

Mr. Subrata Ghosh
...For the petitioner.

Mr. Swapan Kumar Datta,
Mr. Tapas Kumar Mandal
... For the State.

Mr. Animesh Mookherjee,
Md. Ali Ahasan
... for the private respondent no. 7.

The writ petitioner seeks implementation of an order passed by the Magistrate under Section 144 of the Cr. P. C. in M. P. Case No. 321(P) of 2005. Subsequently orders have been passed in the year 2013.

The petitioner had approached this Court in W. P. No. 2207 of 2018 which was disposed of by an order dated 12.02.2018. By the said order the Court found that the disputes between the petitioner and the private respondent was the subject matter of the partition suit, to be civil in nature.

It is submitted by counsel for the petitioner that the partition suit has since been dismissed and the order of the Magistrate revives and is required to be implemented by this Court.

Apart from the fact that the order of the Magistrate under Section 144 of the Cr. P. C. is valid

for sixty days, a second writ petition, seeking directions upon the police despite a finding of a Coordinate Bench in the earlier writ petition that the disputes are civil in nature, is a gross abuse of process of law.

The writ petition is dismissed with costs assessed at Rs.5100/- payable by the petitioner to the O. C., Harishchandrapur Police Station, Malda.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)