

S/L 5
26.12.2021
Court. No. 7
Suwayan
GB

W.P.A. 29033 of 2022

Sk. Nurul Huda & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Allen Felix

...for the Petitioners.

Mr. Tapan Mukherjee,
Mr. Tapas Kr. Dey

...for the State.

Mr. Uday Sankar Chattopadhyay,
Mr. S. Bhattacharya

...for the Respondent No.7.

Affidavit-of-service filed in Court today, be kept with
the record.

The petitioners seek to implement an order dated
December 1, 2022 passed in a proceeding under Section 144
of the Code of Criminal Procedure, 1973.

It appears that there is a longstanding dispute
between the petitioners and private respondent no.7 with
regard to harvesting of paddy crops.

The petitioners argue that since the police has failed to
implement the order passed by the learned Magistrate, the
necessary direction should be passed upon the police by this
Court.

Mr. Uday Sankar Chattopadhyay, learned advocate on
the other hand, submits that before the learned Executive
Magistrate the petitioners suppressed the fact that they had
failed to obtain an injunction from the civil court over the
self-same cause. He further submits that on the earlier

occasion a similar writ petition filed by the writ petitioners had been dismissed by this Court. Therefore, the present writ petition should also be dismissed.

I am of the view, that the petitioners, in all fairness, ought to have disclosed before the learned Executive Magistrate as to the pendency of the civil suit between the parties. Since the petitioners have suppressed the said fact, I am not inclined to pass any order in their favour ignoring the order of refusal of ad-interim injunction by the civil court passed in Title Suit No.569 of 2022 pending before the learned Civil Judge (Junior Division), 4th Court, Burdwan.

Mr. Chattopadhyay submits that already a revisional application has been filed before the learned Sessions Judge, Purba Burdwan challenging the order dated December 1, 2022 passed by the learned Executive Magistrate. It is desirable that learned Sessions Judge, Purba Burdwan will decide the said criminal revision being Criminal Revision No.74 of 2022 as expeditiously as possible.

With the above observations, the writ petition being W.P.A. 29033 of 2022 is disposed of.

However, there will be no order as to costs.

Urgent xerox certified copy of this order be given to the parties on priority basis.

(Kausik Chanda, J.)