

02.01.2023
S/L No.18
KS

**C.R.R. 191 of 2021
With
IA No. CRAN 1 of 2021
Ashok Saha
-Vs.-
The State of West Bengal & Anr.**

Mr. S. Mukherjee

Mr. M. Khanna

.....For the Petitioner

Mr. Prasun Kumar Datta

Mr. Nirupam Dhali

.....For the State

The subject-matter of the present revisional application relates to an order dated 28th December, 2020 passed in M.P. Case No.3633 of 2020 under Section 144(2) of the Code of Criminal Procedure. The order reflects that the Learned Executive Magistrate directed a restraint order upon the opposite parties so that the petitioner could continue with the construction work as per the duly approved plan.

Mr. Datta, learned advocate appears on behalf of the State.

I have considered the submission of the petitioner as well as the State. Two issues are involved, firstly, whether an order passed on 28th December, 2020 still survives in view of the statute prescribing 60 days time whenever an order relating to restraint has been passed against an affected party. Secondly, whether the Learned Executive Magistrate had the authority to interfere with the construction which was taking place.

Having regard to the fact that, the said proceedings in which restraint order was passed on 28th December, 2021 has lost its force after a period of 60 days, I hold the case that M.P. Case No.3633 of 2020 pending

before the Learned Executive Magistrate, Barrackpore to be infructuous after 28th February, 2020.

Accordingly, the proceedings being M.P. Case No.3633 of 2020, if the same is still pending is hereby quashed.

With the aforesaid observations, C.R.R. 191 of 2021 is allowed.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)