

CRR 1444 of 1986

In the matter of : Kanai Lal Chatterji

None is appearing on behalf of the petitioner. The office report indicates that administrative notice could not be served upon the parties.

The petitioner Suranjan Ghosh, Suranjan Singh and Surjan Singh of Guru Nanak Hotel expired on 20th July, 2012. The report of the Inspector Kalyan Kumar Bhanja who happens to be the Officer-in-charge of Cossipore Police Station reveals that Suranjan Ghosh @ Suranjan Singh @ Surjan Singh was the same and identical person. Copy of the death certificate issued by the Kolkata Municipal Corporation has also been annexed to the petition.

The revisional application challenges the order passed by the learned Executive Magistrate, Sealdah in a proceeding under Section 145 of the Code of Criminal Proceeding being Miscellaneous petition No. 273/77 holding that the petitioner had encroached upon the land of the opposite party and direction was given for restoration of the possession of land to the opposite party. The basic nature of the dispute pertains to the boundary of the properties of the respective parties and same can only be decided by a

competent Civil Court after holding local investigation. From the impugned order I find that, learned Executive Magistrate relied upon the local inspection report while passing the impugned order. A boundary dispute since cannot be decided by holding local inspection the impugned order suffers from infirmity. Therefore, I consider it expedient to set aside the order impugned.

The criminal revision thus succeeds and is disposed of.

Let a copy of the order be sent to learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)