

17.11.2023
Item No. 06
BR

CRR 528 of 2017
In the matter of : Chittaranjan Sardar &
Ors.
..... petitioners

Nobody appears on behalf of either of the parties.

In view of long pendency of this revisional application, nature of relief sought for and to avoid further delay, this Bench inclined to dispose of this matter on merit.

Petitioners have been filed this revisional application under Section 401 read with Section 482 of the Code of Criminal Procedure Code challenging an order dated 19.12.2016 passed by learned Executive Magistrate, Diamond Harbour, South 24-Parganas in a proceeding under Section 144(2) of the Criminal Procedure Code thereby learned Executive Magistrate passed an order as follows:

“perused the report of BL & LRO and O.C. Mandir Bazar. Heard submission of the learned advocate of the petitioner. It appears that the suit plot should be measured and demarcated with the help of the BL & LRO. Hence the BL & LRO, Mandir Bazar is directed to demarcate the suit

plot and identify line of control over the suit plot between both parties.

Requisite fees as per Court norms should be met up by the petitioner.

Let the order be served to the both parties, BL & LRO, Mandir Bazar. The O.C., Mandir Bazar is directed to maintain law and order over the suit plot during the demarcation process if required.”

The brief facts of the case is that landed property situated under Mandir Bazar Police Station, Mouza-Dulalpur, R.s. Khatian No. 351, Dag No. 2751 , area-32 decimal was originally belongs to Digamber Sardar and after his demise his two sons, namely, Haripada Sardar and Priyanath Sardar became the owners of the said landed property.

Later Priyanath Sardar sold his share to one Niranjana Sardar by registered deed of sale being No. 7600 dated 7th December, 1962 and became the owner. After his demise, his five sons including the petitioner became the owners of the suit landed property. During peaceful possession and cultivation of the suit land along with other family members the opposite party no. 2 in collusion with others trying to dispossess them from the said landed property without their right. They even filed an application under Section 144 (2) of the Criminal Procedure Code being M.F. Case No. 1222 of 2016

before the learned Executive Magistrate, Diamond Harbour without any sufficient reasons.

Having perusal of the material available in the record as well as document annexed with the revisional application, this Court finds the Executive Magistrate after hearing the parties, has only directed to demarcate the land on the basis of report of BL & LRO & police and to maintain law and order over the suit plot while demarcating line of control over the land and that order is correct and legal to prevent or tends to prevent disturbance of the public tranquility or danger to human life, health or safety under Section 144 of the Cr. P. C. Furthermore, the said order was passed on 19.12.2016 which has already been expired and no more in force after 60 days. As per Section 144 (4) of the Cr.PC no order shall remain in force over more than two months from making thereof.

Accordingly, I do not find any illegality or perversity in the order. Furthermore, there is no force of the said impugned order.

Accordingly, **CRR 528 of 2017** is hereby dismissed. Interim order, if any, stands vacated.

Urgent certified website copy of the order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Ajay Kumar Gupta , J.)