

30.11.2023
Sl. No. 42
Suman
Ct.No.32.

CRR 1394 of 2017

Fazlul Hok & Anr.

Vs.

The State of West Bengal and Anr.

Nobody appears on behalf of either of the parties.

On earlier occasion also neither anyone represented the petitioner nor sought for accommodation.

This case is relates to year 2017, accordingly, the instant case is required to be disposed of on merit as the petitioners have filed this revisional application under Sections 401 and 482 of the Code of Criminal Procedure, 1973 challenging the correctness, legality and propriety of the impugned order dated 9th March, 2017 passed by the learned SDM (Ex.), Basirhat in M.P. Case No. 392 of 2017 under Sections 144(2) of the Code of Criminal Procedure.

It is the contention of the petitioner that the learned Executive Magistrate cannot decide the title and possession of the suit land and cannot direct the BL&LRO, Basirhat-I to enquire into the matter.

Upon perusal of the record, this Court finds that the proceeding under Section 144(2) of the Code of Criminal Procedure was initiated by the opposite party No. 2 against the petitioners and upon hearing, the learned Executive Magistrate directed the I.C., Basirhat P.S. to enquire into the matter and submit a report by the next date and also maintain peace and tranquility at the area strictly so that no one can disturb each other.

BL&LRO, Basirhat-I was also directed to enquire into the matter and submit a report in respect of owners of the suit land, possession report of the suit land with sketch map and present physical status of the suit land by the next date. This does not show any illegality because the Executive Magistrate only directed that no disturbance takes place between the parties and to maintain peace and tranquility in the area. Report also sought for regarding present status of the suit property. Order of Executive magistrate does not show he entered into the matter and decides case as a title suit. This court is conscious about the issue raised by the Petitioner but the impugned order under challenged has no such indication as such this court found no perversity or illegality in the impugned order.

Furthermore, there is no force of impugned order after expiry of two months from the date of order thereof as the case is between to private parties on the issue of landed property in view of Section 144 (4) of the Cr.P.C.

Consequently, the criminal revisional application being **CRR 1394 of 2017** is dismissed without order as to costs.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Ajay Kumar Gupta, J.)