

12-07-2023
Subha
Item no. 04
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2532 of 2022

Sri Mrinal Kanti Maiti and Anr.
-versus-
State of West Bengal & Anr.

Mr. Salil Kumar Maiti
....for the petitioners.

Mr. Md. Anwar Hossain
Mrs. Manisha Sharma
....for the State.

Petitioner is directed to serve a copy of the revisional application upon Mrs. Manisha Sharma, learned advocate who ordinarily appears on behalf of the State. Her appointment may be regularized by the concerned Authorities in due course.

The subject matter of the revisional application relates to Misc. Case No. 335 of 2021 wherein in connection with an application under Section 145 of the Code of Criminal Procedure, the learned Sub Divisional Executive Magistrate. Egra, Purba Medinipore pass orders. The present petitioners were respondents in the original application under Section 145 of the Code of Criminal Procedure.

The nature of the prayer as pointed by the learned advocate for the petitioner reflects that the learned Executive Magistrate was invited for demarcation of a property.

The same being an exclusive domain of the civil court, the learned Executive Magistrate will not exceed the jurisdiction except for the limited purpose of maintaining peace and tranquility in the area.

Parties should be referred to the civil court to decide on the issue of demarcation, title, right, interest of the property concerned.

On the next date fixed, the learned Executive Magistrate will restrain his findings if there is any breach of peace in the locale. In the alternative regarding prayer relating to civil disputes, the same must be referred to the civil court. The proceedings as far as possible be disposed of on the next date or within a month thereafter.

With the aforesaid observations, the present revisional application being CRR 2532 of 2022 is dismissed.

Pending applications, if any, are consequently dismissed.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

