

D/L26
14.07.2023
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C.R.R.2607 of 2022

In Re: An application under Article 227 of the Constitution of India,
1973;

Ratan Sarkar
Versus
The State of West Bengal and others

Mr. Ajay Debnath
Mr. Upamanyu Mukherjee.
...for the petitioner.

The revisional application was preferred challenging the order dated 18th December, 2019 passed by the learned Sub-Divisional Magistrate, Dakshin Dinajpur in connection with M.P.Case No.28 of 2019.

I have perused the order which was passed by the learned Executive Magistrate and I find that the learned Executive Magistrate has interfered with the rights of the parties regarding issues which should have been decided by the concerned civil court. Accordingly, so far as the right, title and interest of the property or usage of the property is concerned, the learned Magistrate had no jurisdiction and that part of the order is set aside. So far as relating to maintenance of breach of peace and tranquility at the locale is concerned, the order of the learned Magistrate is retained. The parties would exercise their rights of usage of the property or the right, title and interest, if there is any dispute by approaching the appropriate civil court.

With the aforesaid observations, CRR 2607 of 2022 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)