

18-09-2023
Subha
Item no. 31
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3515 of 2023

Sukumar Kundu & Anr.
-versus-
State of West Bengal & Anr.

Mr. Niladri Sekhar Ghosh
Ms. Souprana Chatterjee
Mr. Sourav Mondal
Ms. Laboni Shikdar
.....for the petitioners.

Mr. Soumyajit Das Mahapatra
...for the opposite party no.2.

Petitioners are directed to serve a copy of the revisional application upon Mr. Soumyajit Das Mahapatra, learned advocate appearing for the opposite party no. 2.

The order dated 6th September, 2023 has been challenged. The Executive Magistrate was not vested with the power to stop the construction work. As such, the learned District and Sessions Judge, 1st court, Arambag, Hooghly while exercising his jurisdiction in respect of an order passed by the learned Executive Magistrate was not entitled to pass such directions. However, so far as the law and order problem is concerned, the order of the learned revisional court in Criminal Revision No. 73 of 2023 is hereby affirmed. A direction was passed to submit a report of the Assistant Engineer, PWD, Construction, Arambag for hearing. In case such a report has already been submitted, the learned Additional District and Sessions Judge, 1st court, Arambag, Hooghly is directed to prepone the date of hearing and dispose of the revisional application by 1st week of October, 2023. If the issues so canvassed relate to only private dispute without having any element of public disturbance or tranquility or breach of public order, the

Executive Magistrate is directed not to pass any order or interfere in a proceeding under Section 144 of the Code of Criminal Procedure. Parties should be referred to the civil court for appropriate remedy.

With the aforesaid observations, the revisional application being CRR 3515 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

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

[Tirthankar Ghosh, J]