

02.05.2023  
Court No.13  
Item No.327  
AP

**WPA 22572 of 2022**  
**Kamali (Mondal) Paik and Ors.**  
**Vs.**  
**The State of West Bengal and Ors.**

Mr. Anjan Bhattacharya  
Mr. Sandip Kumar Mandal  
Ms. T. Saha (Khatun)  
Ms. Anita Shaw

... For the Petitioners.

Mr. Amitesh Banerjee  
Mr. Suddhadev Adak

... For the State.

1. The petitioners have filed civil suit seeking injunction and declaration against the private respondents. In the said civil suit the petitioners have not been able to obtain any order of interim injunction. Notwithstanding pendency of the civil suit, the petitioners approached the magistrate under section 144 of the CrPC.

2. This Court is of the clear view that once a civil proceeding is taken out in respect of the civil rights, the executive magistrate does not and should not exercise any power under section 144 of the CrPC.

3. The petitioner may pursue any remedies available in the civil suit in accordance with law.

4. With the aforesaid observations, the writ petition shall stand disposed of.

5. There shall be no order as to costs.

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

**(Rajasekhar Mantha, J.)**