

CRR 4024 of 2011

In the matter of : **Hasnejaman**

... .. petitioner

Mr. Binay Panda
Ms. Puspita Saha

... for the State

This revisional application challenges the order dated 4th of November, 2011 passed by the learned Sub-Divisional Magistrate, Rampurhat, Birbhum, in Misc. Case No. 1152 and 1153 of 2011 under Sections 145/146 of the Code of Criminal Procedure.

Despite service none is appearing for the respective parties.

State is represented.

Instead of adjourning the matter suo motu, I am inclined to dispose of the matter on merits based on materials available with the record.

Briefly stated, the petitioner is claiming to have acquired right, title, interest and possession in respect of the property in question by way of inheritance. The opposite party nos. 1 and 2 filed a petition under Section 144 of the Code of Criminal Procedure before the learned Executive Magistrate and B.L. & L.R.O., Murarai-1 was directed to submit a report. Based on the report the order impugned was passed.

It appears that at the instance of the petitioner in an application under Article 226 of the Constitution the Hon'ble Division Bench of this Court was pleased to direct the parties to maintain status quo as regards possession of the petitioner in respect of the land in question, in view of the direction of Hon'ble Apex Court in a proceeding pending before the Hon'ble Court challenging the vires of Section 14V of the WBLR Act.

This order of learned Executive Magistrate runs contrary to the direction of Hon'be Division Bench of this Court as well as Hon'ble Apex Court. Therefore, the same stands quashed.

The revisional application is, thus, allowed.

Let a copy of the order be sent down to the court of the learned Executive Magistrate, Rampurhat for information and necessary action.

(Siddhartha Roy Chowdhury, J.)