

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 4368 of 2022

***Rajesh Kumar Prasad
Vs.***

The State of West Bengal & Anr.

**For the petitioner : Mr. Malay Bhattacharyya, Adv.
Ms. Subhrajyoti Ghosh, Adv.
Ms. Monalisa Das, Adv.
Mr. Sudipa Sengupta, Adv.**

Heard on : 04.01.2023

Judgment On : 04.01.2023.

Bibek Chaudhuri, J.

In the instant revision it is alleged on behalf of the petitioner that petitioner is the lawful owner of a piece of land. With the intention to construct a house, he obtained sanctioned plan and started construction.

The opposite party No.2 being a neighbour started disturbing the petitioner from raising lawful construction over the said property. This prompted the petitioner to institute a proceeding under Section 144(2) of the Code of Criminal Procedure before the jurisdictional Executive Magistrate. The Executive Magistrate vide order dated 29th April, 2022 directed the Officer-in-Charge, Bhatpara Police Station to

enquire into the matter and submit a report on the next date fixed and in the meantime, the police authority was directed to ensure that no disturbance may be created to the petitioner in the scheduled property without due process of law. The opposite party has challenged the said order in criminal revision before the learned Additional Sessions Judge at Barrackpore. The said revision was transferred to the Fast Track 4th Court of the learned Additional Sessions Judge, Barrackpore. The learned Judge vide order dated 31st May, 2022 passed an order of stay of operation of the impugned order dated 29th April, 2022 passed by the Executive Magistrate at Barrackpore in M.P. Case No.1475 of 2022 under Section 144(2) of the Code of Criminal Procedure.

Being aggrieved the petitioner has filed the instant revision.

Since a criminal revision is already pending before the learned Additional Sessions Judge, Fast Track 4th Court at Barrackpore, the petitioner is directed to ventilate his grievance before the said Court.

Considering the fact that the dispute relates to construction of a building on the basis of a sanctioned plan which may expire at a future date, the learned Additional Sessions Judge, Fast Track 4th Court at Barrackpore is specifically directed to dispose of criminal revision No.266 of 2022 within one month from the date of

communication of this order in accordance with law after giving opportunity of hearing to both the parties.

The petitioner is at liberty to act on the server copy of this order for the purpose of communication and compliance.

The instant revision is accordingly disposed of.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.18.
D/L.***