

CRR 217 of 2024
CRAN 1 of 2024

Sangeeta Ray Cyowdhury & anr.
Vs.
The State of West Bengal & anr.

Adv. Dibyendu Chatterjee (Through V.C.),
Adv. Pritam Majumder,
Adv. Rahul Deb Goenka,
Adv. Mainak Singha Barma,
Adv. Satabdi Das
... for the petitioners.

Adv. Debasish Roy, Ld. P.P.,
Adv. Anwar Hossain,
Adv. Debjani Sau,
Adv. A. Dewan,
...for the State.

Affidavit of service filed on behalf of the petitioners is taken on record.

By consent of the parties, the revisional application is taken up for consideration.

Heard learned counsels for the parties.

The revisional application assails the proceeding being M.P. case no. 161 of 2023 pending before the Court of the learned Executive Magistrate, Bidhannagar, North 24 Parganas.

By the order passed on 22nd December, 2023, the learned Executive Magistrate, Bidhannagar has assumed the role of a civil court by directing the Block Land & Land Reforms Officer, Sodepur to enquire into the matter and submit a report with regard to the nature and character of the passage in dispute and also the title in respect of the passage along with the sketch map.

Section 144 of the Code empowers the Magistrate to proceed when immediate prevention or speedy remedy is desirable. Since there has been no further development in the matter after the last order passed on 22nd December, 2023, this Court is of the view that the proceeding being M.P. case no. 161 of 2023 pending before the learned Executive Magistrate, Bidhannagar, North 24 Parganas has become infructuous due to passage of considerable period of time and allowing the proceeding to continue shall be an abuse of the process of law.

In view of the above, the revisional application, being CRR 217 of 2024 is allowed.

The proceeding being M.P. case no. 161 of 2023 pending before the learned Executive Magistrate, Bidhannagar, North 24 Parganas is quashed.

As a consequence, the application, being CRAN 1 of 2024 is also disposed of.

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

(Suvra Ghosh, J.)