

09.02.2024
SL No. 10
Ct No. 7
SB

C.R.R. 248 of 2020

In the matter of: Sudhir Mondal @ Sudhir Chander Mondal

None appears on behalf of the either of the parties even on second call. Nor any accommodation is prayed for on their behalf.

This matter is running in the list since 5th June, 2023. Repeated directions were given to the parties. However they did not appear even on last date, when the parties were directed to ensure their appearance on the adjourned date, i.e today, otherwise, necessary order would be passed on the basis of the materials available on record.

Accordingly, the matter is taken up today for passing an order.

This revisional application under Section 482 of Cr.P.C. has been preferred by Sudhir Mondal @ Sudhir Chander Mondal, wherein he challenged the order dated 24.12.19 of Executive Magistrate passed in Misc. Case No. 2154 of 2019 started under Section 144 of the Code of Criminal Procedure and prayed for quashing of this proceedings pending before the Court of learned Executive Magistrate, Rampurhat, Birbhum.

Perused the impugned order dated 24.12.2019, wherein Id. Executive Magistrate directed the B.L&L R.O Rampurhat to enquire and report regarding present possession and title of the disputed land. He was also directed to take steps for measurement over the suit plot and report. The measurement cost as per govt. rule will be bear by petitioner i.e Tarulata Mondal O.P 2 in this case. He also directed I/C Rampurhat to enquire and report in respect of apprehension of breach of peace over the disputed land. Present status of Misc. Case 2154/2019 is not available. It also appears from the judgment of Title Suit 24 of 2012 filed by Tarulata Mondal (O.P 2) against Sudhir Mondal

(petitioner) that a property (land) dispute was pending between the parties which was partly decreed in favour of O.P-2/plaintiff by declaring her owner of 1/6 share over the suit property. This suit was decided by Civil Judge (Jr. Div.) 1st Court, Rampurhat, Birbhum on 28.11.2018, while this proceeding under Section 144 was initiated on 23.12.2019 in the background of the land dispute among close relatives. I do not think that any intervention of this Court is necessary.

Accordingly, the revisional application is disposed of along with all connected applications.

The interim order, if any, stands vacated.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon completion of requisite formalities.

(Uday Kumar, J.)