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13-09-2024  
Ct. No.34  
b.das

**CRR No. 384 of 2024**

In the matter of :        Kannambath Mocheri Faizal.  
..... petitioner.

Mr. Swarup Banerjee  
Mr. Sajal Kumar Ghosh  
Mr. Subham Biswas        ...for the petitioner.

Mr. Anindya Halder        ...for the opposite party.

Mr. Debasish Roy  
Mr. Arijit Ganguly  
Ms Sreemoyi Roy        ...for the State.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

It appears from the report that an enquiry was held at the locale by the Bowbazar P.S. and it was found that the opposite party started raising construction and encroaching upon the portion allegedly occupied by the petitioner (Room No.13) which resulted in the discord between the parties.

By the order impugned, learned Magistrate directed the Officer in Charge, Bowbazar to keep vigil at the locale so that no incident of breach of peace occurs till the adjourned date.

Report submitted today demonstrates that by an order passed on 5<sup>th</sup> July, 2024, the learned Magistrate directed the petitioner therein (opposite party in this matter) to show cause as to why the matter shall not be dismissed for non prosecution. The next date of hearing is fixed on 22<sup>nd</sup> October, 2024.

Upon consideration of the submission made on behalf of the parties this Court is of the prima facie view that the dispute between the parties is essentially civil in nature.

Since a report has been called for by learned Magistrate, the Officer in Charge Bowbazar P.S. is directed to submit such report in compliance with the order dated 23<sup>rd</sup> November, 2023 passed by the learned Magistrate on the next date of hearing fixed before the learned Magistrate. Upon consideration of the said report the learned Magistrate shall dispose of the matter as expeditiously as possible preferably within two weeks from the next date of hearing fixed before him.

Since nothing further remains to be adjudicated in the present application, the same is disposed of.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

**( Suvra Ghosh, J. )**