

05.01.2024
Item No.20
gd/ssd

WPA/43/2024

SAHIDUL RAHAMAN
VS
STATE OF WEST BENGAL & ORS.

Mr.. Jaydeep Kanta Bhowmik
..for the petitioner.

Mr. Hirak Barman,
Mr. Pradip Sarkar
..for the State.

The petitioner has prayed for a writ of mandamus commanding the respondent nos. 2 and 3 i.e. the Superintendent of Police, Jitendra Narayan Road, District Cooch Behar and the Officer-in-Charge of Mekhliganj Police Station to comply with the order passed by the Executive Magistrate, Meghliganj on February 2, 2021.

The writ petitioner, by way of filing this writ petition has sought for an order from the Writ Court to execute the order passed by the Executive Magistrate.

It appears from the record that the Executive Magistrate passed an order on 2nd February, 2021 directing the respondent no.4 herein to make free and keep open by removing all blockage to the path over the land in question being plot no.4225 of Mouza -Uttar Kharkharia, J.L. 105 and any

infringement that has been created by him to the path due to bringing it in cultivation illegally within the stipulated time limit failing which he will be liable for prosecution under Section 188 of the Indian Penal Code.

It further appears from the record that the 4th respondent filed a criminal revision challenging the aforesaid order of the Executive Magistrate and the learned Additional Sessions Judge, Meghliganj, Cooch Behar by a judgment dated March 3, 2021 dismissed the Revision No.2 of 2021.

The petitioner has to work out her remedies in accordance with the provisions laid down under the Code of Criminal Procedure for execution of the order passed by the Executive Magistrate and this Court is not inclined to entertain a writ petition wherein the prayer has been made for execution of the order of the Executive Magistrate.

The writ petition is disposed of with the liberty to the petitioner to work out her remedies in accordance with the provisions of the Criminal Procedure Code.

(HIRANMAY BHATTACHARYYA, J.)