

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

WPA 909 of 2024

**Ashoka Arora
Versus
The State of West Bengal and Ors.**

Mr. Arnab Sengupta, Adv.
Mr. Deborshi Dhar, Adv.
Mr. Janardan Periwal, Adv.

... for the petitioners

Mr. Subir Kumar Saha, Ld. A.G.P.
Mr. Momenur Rahman, Adv.

... for the State

Mr. Arnab Sengupta, learned counsel, is appearing for the petitioner through virtual mode. Mr. Momenur Rahman, learned counsel, is appearing for the State.

The petitioner has filed the present application being aggrieved with the order passed by the Executive Magistrate, Jalpaiguri in Ptn/R/ No. 152/24 dated 07.03.2024 under Section 144 (2) of Cr.P.C.

In the said order the learned Executive Magistrate has passed the following order :-

“Also call for a specific report from OC, NJP Police Station to confirm if there is any apprehension of breach of peace over this issue, and in the mean time OC, NJP Police Station will see that the petitioner is not disturbed by the opposite party member in any way and should maintain peace and tranquility over the area. He is also directed

to serve the copy of this order upon the OPs.”

Counsel for the petitioner submits that the private respondent nos.6 and 7 have originally filed a complaint before the Executive magistrate at Jalpaiguri under Section 144 of the Code of Criminal Procedure but when the learned Magistrate had passed the order, general public has been added as respondent in the cause title of the order. Counsel for the petitioner submits that due to recording of the general public in the cause title of the order, the police authority has restrained the petitioner from entering into their landed property.

This Court finds that the petitioner is neither a party to the said proceeding nor the petitioner has been affected by the said order. The petitioner has not enclosed any document in the writ application to show that the police has restrained the petitioner from entering into the property due to the order passed by the learned Executive Magistrate on 7th March, 2024.

This Court fails to appreciate how the petitioner is aggrieved with the order dated 7th March, 2024. If at all the petitioner is aggrieved with the order dated 7th March, 2024, the petitioner has an alternative remedy to make appropriate application before the appropriate forum. This Court does not find any merit in the application, accordingly, WPA 909 of 2024 is dismissed.

(Krishna Rao, J.)