

25.02.2025
Court No. 35
Item No.154
Rakib

W.P.A. 3183 of 2025
Kartick Chandra Samanta.
VS
The State of West Bengal & Ors.

Mr. Narottam Acharyya.
... for the Petitioner.
Mr. Samrat Nandy.
...for private respondent nos. 7&8.
Mr. Swapan Banerjee,
Mr. Soumen Choudhury.
... for the State.

Affidavit-of-service filed by the petitioner be kept with the record.

Petitioner is aggrieved by the fact that inspite of the SDEM, Egra passing orders under section 145(4) of the Code of Criminal Procedure upon the Officer-in-Charge of Patashpur Police Station as well as the BL & LRO, Patashpur-II for rendering assistance in respect of the fencing over the plot of land, no cooperation has been received from the police authorities, as such the petitioner has approached this Court.

State has submitted a report, which reflects that the concerned BL & LRO of Patashpur-II, Purba Medinipur has already completed measurement of the suit land and has submitted the report with the Sub-divisional Executive Magistrate, Egra.

Learned advocate for the private respondent nos. 7 and 8 is present and disputes the contentions advanced by the petitioner.

Having considered that the Executive Magistrate has passed an order it is for the Executive Magistrate to implement his own order. The High Court while exercising its jurisdiction under Article 226 of the Constitution of India will not in any manner act as an Execution Court of the Executive Magistrate.

Police authorities would only ensure that there is no breach of the peace and/or tranquility at the locale over the issue canvassed in the writ petition.

With the aforesaid observations, WPA 3183 of 2025 is disposed of.

Report submitted by the State be kept with the record.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)