

CRR 2116 of 2025

**Subrata Mondal
Vs.
The State of West Bengal & Anr.**

Mr. Srikanta Paul
Mr. Md. Arif Ansari

... for the Petitioner

The present application had arisen against an order of learned Executive Magistrate, Diamond Harbour passed on 28th April, 2025 in MF case no. 1148 of 2025. By the impugned order, while disposing an interim prayer under Section 163 of the BNSS, learned Executive Magistrate directed both the parties to maintain status quo and not to change the nature and character of the schedule land as mentioned in the petition for two months.

Challenge herein made on the ground that ex parte order was passed without disclosing the case of emergency and that court below had no authority to pass an order of injunction in the form of status quo in semi-permanent manner. It is further argued that order even if passed ex parte should not be bald but should contain at least some reasons to show that Magistrate applied his mind. Mere statement that there is every possibility of breach of peace as well as public tranquility is not sufficient to exercise power of passing ex parte order.

Having heard learned counsel for the petitioner, I am of the view that when the order has lost its force and order has already ceased to exist by efflux of time, the order impugned does not call for interference by this court nor it is necessary on that ground to quash the impugned order of April, 2025 as by efflux of time, it

has already ceased to be effective. In this context, reliance has been placed on **Acharya Jagdish Waranda Avadhuta Vs. C.P. Calcutta, 1983 (4) SCC 522.**

The application being CRR 2116 of 2025 is accordingly disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)