

Sl.No. 04.03.2025
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Court
No. 35
G.S.Das

WPA 16625 of 2023

Dhruba Dolui
-Vs-
The State of West Bengal & Ors.

Mr. Debabrata Ray
Ms. Karabi Roy
Mr. Soumik Mondal
Ms. Sarbani Mukhopadhyay
... for the Petitioner(s)
Ms. Jhuma Chakraborty
Mr. Suddhadev Adak
... for the State-respondent(s)

Mr. Achyut Basu
Ms. Punam Basu
Ms. Pritha Biswas
Mr. Amritansu Sengupta
... for the respondent no. 5

The petitioner is aggrieved by the fact that the police authorities did not comply with the order passed by the Executive Magistrate.

According to the learned advocate, the Executive Magistrate in its order dated 6th April, 2023 in MP 921 of 2022 under Section 145 of the Cr.P.C. passed necessary directions and disposed of the said case.

Additionally, it has been submitted

that in spite of the said directions, there has been no compliance by the police authorities and the police authorities have no regard for the administrative superiors for executing their orders.

Learned advocate for the respondent no.5 is present pursuant to the service received and opposes the contentions advanced by the petitioner. According to the learned advocate, the Executive Magistrate had no authority to pass such order thereby interfering with the subject-matter relating to possession.

Ms. Jhuma Chakraborty, appears for the State and submits that the police authorities have already ensured that there is no violation in respect of the law and order over the subject-matter in dispute.

I have considered the submissions of the respective parties including the order passed by the Executive Magistrate. If the Executive Magistrate is of the view

that an order is to be passed interfering with the private disputes, in that case, it is the duty of the same Executive Magistrate to implement its own order. A Court of law passing an order must be confident that the Court itself is the authority to implement its own order.

The police authorities in this case have shown restraint. However, the police authorities would keep surveillance and ensure that there is no breach of peace and tranquility as also no untoward incident results.

In the meantime, the petitioner would be at liberty to approach the Deputy Commissioner-in-charge of Baranagar police station in case any inconvenience is caused to the petitioner.

With the aforesaid observations, WPA 16625 of 2023 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with
the record.

Parties to act on a server copy of this
order duly collected from the official website of the
Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)