

Form No. J(2)
Item No. DL/6
ARPAN – A.R. (CT)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. NO. 7258 OF 2026

SMT. MIRA RANI DALAPATI AND ANOTHER

Vs.

THE STATE OF WEST BENGAL AND OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioners	: Mr. Pradyat Saha, Adv. Mr. Suman Chatterjee, Adv. Ms. Shreyosi Chakraborty, Adv.
For the State	: Mr. Sounak Bhattacharya, Adv. Ms. Richa Pramanik, Adv.
Hearing concluded on	: 17.04.2026
Judgment On	: 17.04.2026

SAUGATA BHATTACHARYYA, J.:

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Petitioners have come up with this writ petition praying for direction to implement order dated 13th March, 2024 passed by the Executive Magistrate, Tamluk, Purba Medinipur whereby Block Land & Land Reforms Officer, Kolaghat (Panskura-II) was directed to provide

necessary assistance for proper demarcation of the suit plot on payment of requisite fees by the parties.

3. It is submitted that due to differences between the petitioners and the private respondents, petitioners initiated a proceeding under Section 147 of Code of Criminal Procedure, 1973 (in short, "*Cr.P.C.*") and in the said proceeding order dated 13th March, 2024 was passed.
4. State respondents are represented by learned advocate who has filed a communication dated 1st April, 2026 of Officer-in-Charge, Kolaghat Police Station, Purba Medinipur and same is taken on record. Copy of the said communication dated 1st April, 2026 is made over to the learned advocate representing the petitioners.
5. It is disclosed in the said communication dated 1st April, 2026 that to maintain peace and tranquility at the locale a prosecution under Section 126 of Bharatiya Nagarik Suraksha Sanhita, 2023 was initiated being Kolaghat P.S. non-cognizable report no.435 of 2026 dated 28th March, 2026.
6. On conjoint reading of sub-section (1) and Sub-section (3) of Section 147 Cr.P.C., it appears that it is postulated in sub-section (1) that an Executive Magistrate may pass order in writing, if he finds from the report of police officer or upon other information that a dispute likely to cause a breach of peace with regard to any alleged right of user of any land or water within his local jurisdiction.

7. In sub-section (3) it has been provided if Magistrate finds such right exists, he may make an order prohibiting any interference with the exercise of such right including, in a proper case, pass an order for removal of any obstruction in the exercise of any such right.
8. Therefore, what is striking that the Executive Magistrate under Section 147(1) read with sub-section (3) can pass any order prohibiting any interference in exercise of right of user of any land or water and for removal of any obstruction, if it is found necessary to avert breach of peace.
9. Issue involved in this writ petition is not right of user of land or water which may only result in breach of peace rather the petitioners and the private respondents are claiming their respective right over the land in question.
10. Therefore, Court is not inclined to interfere with the present writ petition thereby directing the concerned authority to take steps in terms of the order dated 13th March, 2024 passed by the Executive Magistrate, Tamluk, Purba Medinipur.
11. If Executive Magistrate finds that this is an issue which can be delved into under Section 147 of Cr.P.C., it will be open to him to take the proceeding to its logical conclusion.
12. With the aforesaid observation, writ petition stands disposed of.

13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)