

02.04.2026
Item No.41
Ct. No. 236
PG

C.R.R. 1443 of 2025

In the matter of: Syed Emdad Ali Petitioner

Mr. Prasanta Kr. PakrashiFor the Petitioner

1. Affidavit of service, as filed today on behalf of the revisionist/petitioner is taken on record. None appears on behalf of the opposite parties despite service.
2. In this revisional application, as filed under section 442 of BNSS, 2023, the legality, propriety and correctness of the order dated 07.02.2025 is under challenge.
3. At the time of hearing, learned advocate appearing on behalf of the revisionist/petitioner submits before this Court that on perusal of the order impugned dated 07.02.2025, it would reveal that on the basis of an application under section 163(2) of BNSS, the jurisdictional Executive Magistrate initiated M.P. Case No. 170 of 2025 and in such case, considering the seriousness of the allegation of the revisionist/petitioner, came to observe that there is possibility of apprehension of serious breach of peace in the locale over the issue involved in the said case and accordingly, directed IC, Panskura, PS and BL&LRO, Panskura to cause an inquiry and to submit a report.

4. It is vehemently argued that despite passing of the impugned order, the opposite party no. 2 herein most illegally raised construction over the plot of land, as involved in the said M.P. Case No.170 of 2025 and thus, an appropriate order may be passed in exercise of the power under section 442 of BNSS.
5. On careful perusal of the entire materials, as placed before this Court and after hearing the learned advocate for the revisionist/petitioner, it appears to this Court that considering the grievance, as canvassed in the petition under section 163(2) BNSS, the Executive Magistrate noticed that there is an apprehension of serious breach of peace in the locale and accordingly, directed two State officials to cause an inquiry and to submit a report.
6. From the submissions made on behalf of the revisionist/petitioner, this Court finds that the grievance of the revisionist/petitioner is not with the order impugned but with the alleged unlawful action of the opposite party. In considered view of this Court, in exercising revisional jurisdiction under section 442 BNSS, this Court has ample power to scrutinise the legality, validity and correctness of the order impugned. However, such power is not extended to the alleged illegal action and/or non-action and/or inaction of the opposite party,

as highlighted during the course of hearing of the instant revisional application.

7. This Court is of the further considered view that in the event, the opposite party no. 2 herein has flouted the order passed by the Executive Magistrate in exercise of his power under section 163(2) BNSS, the present revisionist/petitioner is not remediless and is at liberty to take appropriate steps before the appropriate forum.
8. In absence of any illegality and/or irregularity and/or impropriety in the order impugned dated 07.02.2025, this Court is not inclined to pass any favourable order in favour of the revisionist/petitioner.
9. With the aforementioned observations, CRR 1443 of 2025 is dismissed.

(PARTHA SARATHI SEN, J.)