

W.P(C) No.246 of 2018

BEFORE  
HON'BLE MR. JUSTICE KH. NOBIN SINGH

29.03.2018

Heard Ms. H. Bisheshwari, learned counsel appearing for the petitioners.

Being aggrieved by the order dated 24<sup>th</sup> January, 2018 passed by the Sub-Divisional Magistrate, Porompat in Cril Misc Case No.4 of 2017, restraining the petitioners from entering into the above mentioned disputed land with immediate effect for a period of 60 (sixty) days i.e., w.e.f. 24<sup>th</sup> January, 2018 with the expression "until further order", the present writ petition has been filed. As per the provision of Section 144 of Cr.P.C the validity of such order will come to an end on the expiry of 60(sixty) days unless the said order has been extended by the Government. The grievance of the petitioners is that even though the period of the said order has expired on 23.03.2018, the concerned authority keeps on implementing the said order on the ground that the said order has been extended until further order. In any case, since the period has expired, this Court cannot, in exercise power under Article 226 of Constitution, take any cognisance of the matter except passing an innocuous order.

After hearing the matter for a while, the learned counsel appearing for the petitioners prays that she may be permitted to withdraw the writ petition.

Accordingly, the writ petition stands disposed of as withdrawn with liberty to approach the Sub-Divisional Magistrate, Porompat to modify its order as indicated hereinabove in respect of expression “until further order. In case, the SDM, Porompat, is approached by the petitioners by way of an application, the same may be considered and disposed of by the SDM, Porompat within a period of one week from the date of receipt of the application.

JUDGE

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