

IN THE COURT OF SANJEEV KUMAR, MUNSIF, NARKATIAGANJ,
WEST CHAMPARAN

T.S NO- 182/2025

KRISHNA BHADRA & OTHERS.....PLAINTIFFS

Vs

GOVT. OF BIHAR & OTHERS.....DEFENDANTS

DATE	ORDER	REMARKS
08.12.2025	<p>Attendance filed on behalf of plaintiffs and defendants.</p> <p>Case called out for hearing on the point of Injunction petition filed under Order-39 Rule (1) & (2) of CPC.</p> <p>The present petition has been filed by the plaintiffs against the Defendants for interim injunction under order 39 Rule-1 & 2 of CPC and 151 CPC on dated 23.09.2025</p> <p>Show-cause rejoinder has been filed on behalf of defendants no- 4 & 5 on dated 21.11.2025 and on behalf of Defendant no-3 on dated 25.11.2025</p> <p>Heard the Learned counsel of the Plaintiffs and Ld. GP From the side of Defendant and Ld. Defendant Counsel and perused the record.</p> <p>Perused the Petition for Temporary injunction, upon perusal it appears that plaintiff has filed this petition for temporary injunction and stated that plaintiffs has filed this suit for Restrained the Defendants From illegal construction over the schedule no-2 of land and also Restrained the Defendant from going over the suit land in order to prevent plaintiff from any loss.</p> <p><u>Plaintiff submission</u></p> <p>Plaintiff submitted in his petition that plaintiff have filed this suit for Granting injunction with respect to suit land as given in schedule no 02 of the plaint in order to prevent the Defendants</p>	

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<p>Continue 08.12.2025</p>	<p>from illegal construction over the suit land. it is further submitted that defendants were served Notice in this case and also stated that Defendant no-4 & 5 even after having knowledge with respect to suit they not appearing in this suit and they continued working over the suit land and construction going on over the suit land and also stated that statement were given by the Defendant no-4 &5 that unless and until if no any stay order come from the court, they will continue their work. it is also stated that when the suit were filed at that time construction work was at initial stage but now the construction work came to at plinth length and also stated that Defendant no- 1 to 3 were also given Notice under 80 CPC and also informed about the suit pending in the court and also given information about the work going over the suit land but Defendant no-1 to 3 did not taken steps in order to stop the work and also not given any help by them.</p> <p>It is further stated that being knowledge of work done by defendant no-4 & 5 no any step were taken by Defendant no-1 to 3 in order to stop that work even suit is pending in this court and also having knowledge about the suit, so the plaintiff have filed this petition in order to maintain status Quo over the suit land and also for not changing the nature of the suit.</p> <p>Plaintiff submitted that by construction of defendant a serious situation arose over the suit land and also by continue construction the nature of the suit property is changing and prama facie suit lies in favour of the plaintiff.</p>	
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<p>Continue 08.12.2025</p>	<p>is likely to be caused to the applicant if the injunction is been refused. The balance of convenience comes into the picture when there is doubt as to the adequate remedies in damages available to either party or both.</p> <p><u>In Bikash Chandra Deb Vs. Vijaya Minerals Pvt. Ltd 2005 (1) CHN 582</u> - The Hon'ble Calcutta high court observed that issue of balance of convenience . The court Shall slender in favour of overview of the concept of balance of convenience, but does not mean and suggest that the balance would be on one side and not in favour of others. there must be proper balance between the parties and balance can not be a one sided affairs.</p> <p>After the perusal of Pleading of the Plaintiff, it appears that Plaintiff has filed the suit for Restraining the Defendants from illegal construction over the suit land as given in schedule no-2 of the plaint having khata no-83/84, khesara-270/197/38, Rakwa- 05 Decimal and also for restrained the defendant from going over the suit land.</p> <p>From pleading of the plaint of para-02 it also appears that plaintiff are the Bangali Refugee and their legal ancestor came in india in 1956 and by the Govt. they were given land for Rehabilitation. it is admitted by them that in name of his legal Ancestor Vajendra Bhadra, land of Mauza-Tilozpur, Khata no-82/84, Khesara-270/197/38, Rakwa -21 Decimal of land were given to them and with respect to it, Bitarani Khatiyani were prepared in name of the</p>	
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<p>Continue 08.12.2025</p>	<p>Vajendra Bhadra, But they were came in possession over 25 Decimal of land instead of 21 Decimal since 1960. Further stated that the suit land were used as common Road in front of his house Door. Further stated that Vajendra Bhadra Died leaving Behind his sole Daughter namely Krishna Bhadra and his wife namely Sumitra Bhadra. Further stated that after the Death of Sumitra Bhadra in 2006, the whole property came in share and possession of Krishna Bhadra.</p> <p>On the other side, the Defendants were filed his show-cause with respect to the petition of the plaintiff and stated that the land of Khata-83/84 khesara 270/197/38 are the Gairmazarua Malik land having total Rakwa 20.5 Acre and in that only 21 decimal of land were given in name of Vajendra Bhadra By Rehabilitation Department of Govt of Bihar as being Refugee of Bengal. it is also submitted that plaintiff having their peaceful possession over their 21 Decimal of land having Boundary in N-Dayamay Mandal, S-Prameshwar Das, E-Kunwa, W-Nandlal Das. Further stated that plaintiff have filed this suit Different from that 21 decimal of land, that being Govt. Land, Govt. having their possession. further stated that through Chief Ministerial Govt. Scheme, a Community hall being proposed by the Sikta MLA, and with respect to that the report has been called by the DPO, Bettiah from C.O Mainatar and in that C.O mainatar has given a proposal for contruction of Community hall over the disputed land as having govt land and in support of it CO, Mainatar has also given NOC along with no</p>	
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<p>Continue 08.12.2025</p>	<p>or irreparable injury necessary for grant of injunction against Defendants (State Government).</p> <p>Accordingly, the injunction petition dated 23.09.2025 filed under order-39 Rule-1 & 2 CPC and section 151 CPC is hereby dismissed.</p> <p>Put up on dated 24.01.2026 for Further proceeding.</p> <p style="text-align: center;">MUNSIF NARKATIAGANJ</p>	
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