

Order No.2 Cont., Date: 15.11.2022

The Ld. Advocate for the plaintiff/petitioner moves an application for an ad interim injunction on the strength of a put up petition.

No caveat pending as per office note.

The plaintiff/petitioner moves this application for ad interim injunction before this Court under Order 39 Rule 1 & 2 of the CPC.

The case of the plaintiff in short is that under the demarger scheme, the plaintiff has lawfully obtained legal ownership of the entire 114.9847 Acres comprised in the labour quarters and/or the estate departments. Accordingly, the plaintiff obtained possession of the entire division undertaking as set out in the order dated 31st May, 1993 passed by the Hon'ble High Court Calcutta. The plaintiff has considerable landed properties consisting of line-ghars, Bharatia ghars, shop rooms, quarters vacant land and bazar, etc. The plaintiff company has constructed and has maintained many bharatia ghars and line ghars for temporary user of the employees and workers of the company during the period of their services at a consideration or minimum rate of licence fees. The plaintiff is the absolute owner and possessor of the (A) scheduled land and the name has been recorded in the ROR. On the contiguous extreme north of the (A) scheduled land the defendant club is situated upon the company's land. Allegedly, the defendant club has been trying to grab a major portion of the (A) scheduled land on the contiguous south of defendant club by encroaching the (A) scheduled land and to the effect on and from 27.10.2022 the defendant has started raising construction in hot haste employing large numbers of mason and labours defying the plaintiff's objection. On being intervened by the Land officer they went away threatening that they will do the same in the near future, for which the plaintiff company made a written complaint before the local police station on 29.10.2022. The police visited the spot and requested the defendant club to stop the illegal construction but the defendant club becomes furious and has been threatening the plaintiff company with dire consequences. Therefore, the plaintiff has moved this instant application for ad interim injunction praying for reliefs against the defendant as stated therein.

The plaintiff has filed by way of firisti porcha and copy of the letter to the O/C., Bauria sent by the Land Officer of the plaintiff company for perusal of this Court.

Heard . Perused the materials on record. Considered.

After perusing the plaint, the instant application for ad interim injunction along with all other relevant documents adduced by the Ld. Advocate for the plaintiff/petitioner, this Court is of the opinion that though the plaintiff has been able to make out prima facie case but this Court is of the opinion that passing an ad interim order of injunction at this stage would not be appropriate. Hence, an injunction order in the nature of maintaining status quo in respect of the possession and nature and character of the suit property would not cause any prejudice to either parties, rather the preservation and protection of the schedule property is essential at this stage for an effective adjudication in this suit, which would be ensured if such order is passed, therefore, the injunction order of status quo may be passed at this stage in the absence of the defendant.

Hence it is

ORDERED

that the parties are directed to maintain status quo in respect of the possession, nature and character of the suit property as it stands today till 15.12.2022

Issue notice calling upon the defendant to show cause within 10 days from the date of receipt thereof as to why the plaintiff's/petitioner's prayer for temporary injunction shall not be allowed.

Plaintiffs/petitioners to comply with order 39 Rule 3 (a) and (b) CPC at once.

Requisites forthwith.

Fix 15.12.2022 for S/R of notice.

D/C

C/J

Civil Judge (Jr. Division) 1st Court, Uluberia

J.O. Code – WB-1457