

O.S 74 of 2022

C.N.R. no. WBWM0K000289-2022

J.O. CODE WB01513

Order no. 02 dated 02-12-2022

Today the case is put up on strength of petition of put up filed on behalf of the plaintiffs by his Ld. Advocate.

The Learned Advocate for the plaintiffs moves an application under Order XXXIX Rule 1 & 2 read with section 151 of C.P.C.

Put up is allowed.

No caveat has been lodged as it appears from the report of the Sherestadar. It further appears that the plaint is in proper form and filed in the right forum.

The advocate for the plaintiff have moved the prayer for ad-interim injunction.

Issue notice upon the principal defendant directing them to show cause within 15 (fifteen) days from the date of receipt of this notice as to why the prayer of the plaintiff for temporary injunction shall not be allowed.

Heard the submission.

Perused the injunction application supported by affidavit, plaint and original documents.

This is a suit for declaration and injunction along with other consequential reliefs.

The case of the plaintiff is that the schedule mentioned as "PUKUR" is vested pukur of the state of West Bengal and as per scheme the plaintiff got permission as lease for pisciculture from March 2019 to March 2023 with respect to whom he paid the lease money of Rs. 20,000/- (Twenty thousand) to Pradhan, Gram Panchayat. Accordingly plaintiff started rearing fishes on the pukur and suddenly on 08-09-2022 Defendants are disallowing him to feed the fishes and also have used filthy languages and have compelled the plaintiff to leave the pukur.

The plaintiff lodged a complain to OC Narayangarh PS on 19-10-2022 and also informed the incident to the Gram Pradhan and a complaint registered on 20-10-2022 which was forwarded to the B.D.O. Narayangarh for necessary steps.

Plaintiff has filed some documents. Seen the original documents and returned to the plaintiff. The plaintiff has filed :-

1. A xerox copy of full vested Tank (sairati).
2. Xerox copy of money receipts.
3. Xerox copy of GDE No 1404/22
4. Prayer for legal help to Pradhan
5. Xerox copy of gde to Pradhan no 1087 dated 20-10-2022
6. Xerox copy of plot no 455

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Upon careful perusal of the case record along with the supporting document presented by the plaintiff it seems that it is necessary to preserve the sairati right of the plaintiff and continue pisciculture and supply of food to the fishes at the initial stage of the suit. The plaintiff is successful in establishing prima facie case in their favour and also the balance of convenience and inconvenience lies in favour of the plaintiff. Thus, the prayer in this application deserves to be allowed.

Hence, it is,

Ordered

that the prayer for ad-interim injunction is **allowed**. Defendants are restrained from interfering with peaceful possession in the schedule “pukur” Plaintiff may continue fish farming till next date.

Plaintiff to comply the provisions under Order XXXIX Rule 3(a) & 3(b) C.P.C. at once.

Requisites at once.

Issue notice to show cause to the defendant on the date fixed as to why the temporary injunction as prayed for shall not be granted against him.

To **05-01-2023** for S/R and appearance and for hearing of temporary injunction application, W/O, if any in the meantime by defendant and also for filing W/S.

Dic. & Corr. by me

Civil Judge (Jr. Divn.)
Kharagpur, Paschim Medinipur

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