

T. S. 625 of 2022

CNR No. WBBD080-00794-2022

Later,

Order No. 2/1

Dated 14.11.2022

Ad-interim injunction petition is moved.

Record is taken up for hearing ad-interim injunction petition.

No caveat is pending as per report of the Sheristadar.

This is a suit for declaration and injunction.

Issue notice upon the defendants to show cause within 15 days from the date of receipt of this order as to why the order of temporary injunction shall not be granted as per the prayer of the plaintiff.

The plaintiff's case in brief is that the suit property belongs to the plaintiff and his name has been recorded in the L.R.&R.O.R. and he is in peaceful possession of the suit property by way of cultivation of crops through his bargadars, since the last 30 years. The plaintiff has stated that the defendant numbers 1 to 15 with association of some land grabbers are falsely claiming themselves to be the owners of the suit property as the record of rights in respect of the same has been erroneously recorded in their name. The plaintiff has alleged that the defendants on 01.11.2022 being accompanied by large number of persons attempted to forcibly dispossess the plaintiff from the suit property. The plaintiff has contended that he went to the office of the B.L.R.O.R. Kulti and requested for correction of the erroneous record of right but the concerned office expressed its inability to correct the same. Hence, the suit and contending urgency the plaintiff has prayed for an ad-interim order of temporary injunction.

Plaintiff has relied upon the certified copies of L.R.R.O.R., copies of mutation notice and photocopy of Aadhaar card of Atul Garai filed by him along with the filing of the case.

Perused the petition U/O 39 R (1) and (2) read with Section 151 of CPC supported by an Affidavit along with all other materials on record.

Considered.

On perusal of the documents on record it appears that, the plaintiff has filed R.O.R. standing in his name but he has not filed any document in respect of the alleged erroneous record in the name of the defendants in the R.O.R. with regard to the suit property. Moreover, at this stage the plaintiff has not filed any document to show that he has approached the concerned authority for correction of the alleged erroneous recording of R.O.R. in the name of the defendants.

Further, at this stage there is no prima-facie document to show that the defendants are trying to dispossess the plaintiff from the suit property.

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Therefore, in the opinion of this Court the plaintiff has failed to establish the prima facie case in her favour to obtain an ad-interim order of injunction and there are no sufficient grounds to satisfy this court that delay may defeat the purpose of granting temporary injunction.

Hence, it is

ORDERED

that the prayer for ad interim relief is hereby refused at this stage.

To date.

D/C by me

C.J(J.D), Additional Court, Asansol.
J.O Code WB1331

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