

Title Suit 62/ 2015 (CIS - 126/ 2015)

CNR No. - WBHW 07 000 of

Order No.47 dated 19.02.2022

Today is fixed for hearing the application u/S 151 CPC filed by the plaintiff on 07.02.2020 concerning the violation of the order of temporary injunction passed by this Court on 29.01.2016 thereby making absolute the ad interim order of injunction passed on 05.05.2015.

Both parties are present.

The instant petition is taken up for hearing in the presence of the Ld. Advocates of both parties.

Heard the Ld. Advocate of the plaintiff who submitted that the defendant no. 1 is violating the order of temporary injunction passed by this Court on 29.01.2016 in the present suit by making construction on the suit property. It has been further submitted by the plaintiff that the illegal construction being made on the suit property by the said defendant was duly brought to the notice of the officer-in-charge of U.N.Pur P.S. by lodging GDE No. 236 dated 06.02.2020 but unfortunately no action was taken against the said defendant by the concerned P.S. For this reason, the plaintiff has been compelled to file the instant application and bring the matter of illegal construction to the notice of this Court.

On the other hand the Ld. Advocate of defendant no. 01 vehemently opposed the present application on the ground that the same has been filed on the basis of false and baseless allegations. Ld. Advocate therefore, prayed for rejection of the instant application.

Heard the Ld. Advocates of the parties at length.

Perused the instant application.

Considered.

The claims made under the instant application are quite serious in nature as his forthcoming from the contents of the present petition filed by the plaintiff. It is also matter of grave concern that even though the officer-in-charge of U.N.Pur P.S. was duly informed about the activities of defendant no. 1 vide GDE No. 236 dated 06.02.2020 yet, the said defendant has purportedly been continuing construction activity on the suit property in gross violation of the order of temporary injunction passed by this Court on 29.01.2016 thereby making absolute the ad interim order of injunction passed on 05.05.2015.

Accordingly, the officer-in-charge of U.N.Pur P.S. is hereby directed to take immediate steps as per law for ensuring that the sanctity of the order of temporary injunction order passed by this Court on 29.01.2016 is maintained at all costs and all kind of construction activity on the suit property is brought to a halt at once. **Be it mentioned here that the direction contained in this order regarding maintenance of the sanctity of the said order of ad-interim injunction shall remain binding on the officer-in-charge of U.N.Pur P.S. until the same is modified by this Court in writing vide any future order.** The Officer-in-Charge of U.N.Pur P.S. is further directed to submit a detailed report in this connection by the date fixed.

Let a copy of this order along with a copy of the order of ad-interim injunction passed on 05.05.2015 along with a copy of the order of temporary injunction passed on 29.01.2016 and a copy of the plaint be at once forwarded to the officer-in-charge of U.N.Pur P.S. for urgent compliance.

Let a copy of this order be also forwarded to the C.I. of Amta who is called upon to ensure that necessary steps are immediately taken by the officer-in-charge of U.N.Pur P.S. in connection with the strict implementation of the order of temporary injunction passed by this Court on 29.01.2016.

To 28.02.2022 for report from officer-in-charge of U.N.Pur P.S. and to 19.05.2022 for filing W.S. by defendant Nos. 13 & 14.

D/C by me

C. J. (Jr. Divn.)
Amta, Howrah
(JO Code WB 01195)

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