

Title Suit – 48 / 2023 (C.I.S. 48 / 2023)  
(C.N.R. WBHW07- 000 070 - 2023)

Order No. 3 dated 02.05.2023

Record is put up on the prayer of the plaintiffs.

A petition under Order 39 Rule 7 C.P.C. filed by the plaintiffs along with an application under Section 151 C.P.C. and an intimation petition.

Let the intimation petition be kept in the record.

Now the application under Order 39 Rule 7 C.P.C. is taken up for hearing.

Heard the Id. Advocate of the plaintiffs at length.

Perused the instant petition.

Considered.

For the proper adjudication of the present suit, the instant petition filed by the plaintiffs is allowed. Let Sri Santanu Ranjan Jana be appointed as Ld. Advocate commissioner in the present suit. The Ld. Advocate Commissioner is directed to carry out the local inspection of the suit properties in terms of the points enumerated in the plaintiff's application u/O 39 R 7 C.P.C. Ld. Advocate Commissioner is further directed to serve notice upon the parties prior to holding the inspection work and it is also directed that the Ld. Advocate Commissioner shall submit the commission report within fifteen days from the date of completion of the commission work. The remuneration of the Ld. Advocate Commissioner is fixed at Rs. 1800/- which is to be borne by the plaintiffs. The plaintiff is directed to deposit the sum of Rs.1800/- forth with, so that, the writ of commission could be issued to the Ld. Advocate Commissioner at the earliest. The plaintiff is further directed to supply copies of the relevant documents to the Ld. Advocate Commissioner in connection with the commission work.

The instant petition is accordingly disposed of.

Now the application u/s 151 C.P.C. is taken up for hearing.

Heard the Id. Advocate of the plaintiffs who submitted that the defendants are violating the order of ad-interim injunction passed by this Court on 11.04.2023 in the present suit by making construction on the suit property. It has been further submitted by the plaintiffs that the illegal construction being made on the suit property by the said defendants was duly brought to the notice of the officer-in-charge of Amta P.S. but unfortunately no action was taken against them. For this reason, the plaintiffs were compelled to file the instant application and bring the matter of illegal construction to the notice of this Court.

Heard the Ld. Advocate of the plaintiffs at length.

Perused the instant application.

Considered.

The claims made under the instant application are quite serious in nature as his forthcoming from the still photographs filed by the plaintiffs. It is also matter of grave concern that even though the officer-in-charge of Amta P.S. was duly informed in writing on 26.04.2023 by the plaintiffs about the activities of the defendants vide GDE No. 1348. yet, the said defendants have purportedly been continuing construction activity on the suit property gross violation of the ad-interim order of injunction passed by this Court on 11.04.2023.

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Accordingly, the officer-in-charge of Amta P.S. is hereby directed to take immediate steps as per law for ensuring that the sanctity of the ad-interim order of injunction order passed by this Court on 11.04.2023 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 Amta P.S. until the same is modified by this Court in writing vide any further order.** The Officer-in-Charge of Amta 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 11.04.2023 along with a copy of the plaint be at once forwarded to the officer-in-charge of Amta 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 Amta P.S. in connection with the strict implementation of the ad-interim order of injunction passed by this Court on 11.04.2023.

To 15.05.2023 for report from officer-in-charge of Amta P.S. as well as filing show cause by the defendants along with their W.S.

D/C by me

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

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