

T.S. 65 OF 2021  
**Reg. 57 of 2021**

**JO Code: 01068**

**Order No. 40**

**Date: 03.08.24**

Today is fixed for hearing of the petition dated 22.07.2024 filed by the defendant no. 1 u/s. 151 CPC.

Ld advocate for plaintiff files hazira along with WO against the petition dated 22.07.2024. Ld advocate on behalf of defendant no. 1 files hazira.

Heard both sides.

Perused the petition, the WO and other materials on record.

During hearing ld advocate for the defendant no. 1 submitted that the plaintiffs are raising obstruction in cultivation of the land of the defendant no. 1 as a result the defendant no. 1 cannot cultivate paddy on his agricultural land possessed by him. Ld advocate further submitted that a local inspection was held without serving any notice upon the defendant no. 1.

On the other hand ld advocate for the plaintiffs submit that the defendant no. 1 has no possession over the agricultural land as mentioned in the said petition. A local inspection was held over the suit property and it appears that the sali land is situated at the southern portion of the suit property. The defendant no. 1 has been possessing the northern side of the suit property which consists of a pond and dwelling houses. The defendant no.1 has not mentioned in his WS about the cultivation of the suit property.

The plaintiff by filing of this petition has prayed for cultivation of paddy in his possessed land. This court by order no. 12 dated 04.08.2022 has directed both the parties to maintain status quo in respect of nature, character and possession of the suit property till the disposal of the suit. On hearing and perusal of the WS filed by the defendant no. 1 it appears that the defendant no. 1 is in possession of his share over the suit property including a tank and he constructed house, planted trees and cultivated vegetables on his Danga land. The plaintiff has not mentioned about cultivation of crops in the suit property.

In such circumstance, I am not inclined to allow the petition filed by the plaintiff for cultivation over the suit property.

Hence, it is

ordered

that the petition u/s. 151 CPC dated 22.07.2024 filed by the defendant no. 1 is hereby rejected without cost.

To date (21.11.24) for hearing.

D/C

Sd/-

ACJM-cum-CJSD, Kakdwip

Sd/-

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