

Title Suit –28 /2024 (CIS - 53/2024)
CNR – WBWM11 – 000083 - 2024

Order No. 03 dt. 11.12.2024

Recorded is put up today on the basis of a put up application filed by the plaintiff, with a prayer to move the injunction application .

“No caveat” is pending.

Plaintiff has filed the instant suit against the defendants seeking declaration and permanent injunction.

The plaintiff filed an injunction petition along with the plaint against the defendant nos. 1 to 7 in respect of the suit property mentioned in the schedule of the petition as well as the plaint.

The facts of the case in nutshell, Dist – Paschim Medinipur , P.S. Garhbeta, bagri – Pargona J.L. No 772, mouza - Sholatutbar , R. S khatian 138, L.R khatian 394/1 , 3 decimal ancestral property of land in dag no 58/277, is the suit property. According to the plaintiff, the suit property is a claimed land. In the R.S. ROR the suit property was recorded in the name of father of the plaintiff in khatian no 138 and later due to non payment of rent the suit property was returned to its previous owner and plaintiff became landless person and plaintiff and the previous owner under section 10(2) of Land Acquisition Act gave 30 decimal of land in favour of plaintiff as he has no bastu land in L.R. khatian no 394/1 and since then plaintiff has been possessing the suit property by raising house over there but the defendants are trying to take the forceful possession in the vacant space of the suit property and collecting building materials in spite of not having any right, title and interest over the suit property and on that consequence plaintiff lodged a FIR before the Garhbeta P.S. but they did not take any steps against the defendants and the plaintiff was compelled to file one application under section 144 of Cr. P.C. being no 661/2024 on 25.09.2024 before the Executive Magistrate Court , Medinipur against the defendants and the Ld. S.D.E.M. Court on 25.09.2024 passed an order and plaintiff has communicated the said order dated 25.09.2024 to the Garhbeta, P.S. but they did not take any steps in that aspect and compelled to file this instant suit before this Court. The plaintiff is being paying holding tax of L.R. khatian no 394/1 suit property for his residence before the concerned Panchayat and plaintiff's name has been recorded in khatian no 397/1 under the Land Acquisition Act and being a very indigent person the plaintiff is unable to pay taxes of the suit property and as plaintiff got the suit property under Land Acquisition Act , the concerned authority did not take taxes from the plaintiff. The defendants are most dangerous and unsocial in nature and they have no right over the suit property rather they do not have any legal documents in respect of the suit property but only to grab the suit property they have threatened the plaintiff on 01.10.2024.

The cause of action arose on 01.10.2024 (14 th Aswin . 1431 B.S.) at the suit property within the jurisdiction of this Court when the defendants gave threat the plaintiff to create disturbance in the peaceful possession of the plaintiff and tried to raise forceful illegal construction over the suit property.

The plaintiff has filed some documents i.e., R.S. khatian 138 Dag no 58/277, khatian no 394/1 under section 10(2) of Land Acquisition Act , one L.R. ROR of dag no 58/277, one original order sheet of case no 661/2024,

u/section 163 B.N.S.S. before the Ld. Executive Magistrate Paschim Medinipur.

Perused the materials available on record & considered .

Persuing the material available in record , I have found the documents supplied by the plaintiff are enough to establish a prima facie case in favour of the plaintiff at this stage and the balance of convenience and inconvenience of the fact and the cosequence also lies in favour of plaintiff. If the defendants wiil successful to grab the suit propert by dispossessing the plaintiff from the suit property then only plaintiff will suffer irreparable loss and injury . Accordingly, I have no doubt to allow this prayer of injunction in ad interim order form in favour of the plaintiff. .

Hence, it is

ORDERED

that, the ad interim order is allowed and the defendant nos. 1 to 7 are hereby restrained from creating any disturbance in the peacefull possession of the plaintiff or try to dispossess the plaintiff from the suit property in any manner .

The order of ad interim injunction is subject to extension from time to time, if prayed for and allowed or unless changed or varied.

Plaintiff is directed to comply with this order strictly according to law.

To date for filing objection by the defendants if any.

D/c by me.

Civil Judge Jr.Divn
Garhbeta Additional Court

Order No. 01 dt. 11.12.2024

Record is placed today before this Court to move the injunction application by the plaintiff,.

“No caveat” is pending.

Plaintiff has filed the instant suit against the defendants seeking declaration of title and permanent injunction in respect of the suit property .

The plaintiff filed an injunction petition along with the plaint against the defendant nos. 1 to 3 in respect of the suit property mentioned in the schedule of the the plaint.

The facts of the case in nutshell, in District – Paschim Medinipur , P.S. Goaltore, J.L. No 280, mouza -Metyaldoba , L.R khatian - 952 , L.R. Plot No 24/294 measuring about 0.2000 acre of land as Bastu. According to the plaintiff, the suit property along with other properties belonged to one and during his life time he retained the right, title interest and possession of those properties peacefully and also recorded his name in L.R. khatian no 93 in

L.R. ROR in total 3.59 acres of land and after his death the said property devolved upon his five sons namely Ashok Piri, Arun Piri, i.e, the plaintiff of this suit, Uday Piri, Nema Piri and Shyamal Piri as his legal heirs and successors and the wife of said Gobinda Piri was already predeceased him and all the five sons of Gobinda Piri jointly inherited his property in equal shares i.e. 1/5th share each and these five sons of Gobinda Piri made amicable partition between themselves in their equal shares and since then all of them are possessing their individual share peacefully by mutating their names in L.R. ROR and plaintiffs has also mutated his his name as per his share in L.R. khatian no 952 , L.R. Plot no 24/294 of 0.2000 decimal of Bastu land. As per the pleading on 20.12.2024 the defendants illegally and forcibly tried to encroach certain portion of the plaintiffs property or the suit property by raising illegal construction of boundary wall over there and somehow the plaintiff abled to resist the defendants from their such illegal act. According to the plaintiff , defendants are powerful and politically influenced persons and they have also threatened the plaintiff on the sane day that they will dispossesses the plaintiff from the suit property by any how and due to such illegal activities of the defendants plaintiffs right, title, interest and possession of the plaintiff have been clouded and plaintiff has compelled to institute this present suit

The cause of action arose on 20.12.2024 in Mouza -Metyaldoba, P.S. Goaltore in the suit property within the jurisdiction of this Court when the defendants gave threat of dispossession the plaintiff from the suit property and tried to raise illegal boundary wall in a portion of the suit property.

The plaintiff has filed some documents i.e., one heirship certificate of the deceased Gobinda Piri issued by Piasala Gram Panchayat, PL.R. plot information slip in the name of plaintiff of khatian no 952 of suit property , original khazna dakhila of the suit property , e-challan of rent deposit of the suit property.

Heard & considered .

Pursuing the material available in record , I have found the documents supplied by the plaintiff are enough to establish a prima facie case in favour of the plaintiff at this stage as the documents are enough to establish primarily that plaintiff have possession over the suit property and the balance of convenience and inconvenience of the fact and the consequence also lies in favour of plaintiff. If the defendants will successful to grab the suit property by dispossessing the plaintiff from the suit property as a consequence only plaintiff will suffer irreparable loss and injury . Accordingly, this Court has no hesitation to allow this prayer of injunction order in - ad interim form in favour of the plaintiff. .

Hence, it is

ORDERED

that, the ad interim order is allowed and the defendant nos. 1 to 3 are hereby restrained from creating any kind of disturbance in the peaceful possession of the plaintiff or try to dispossess the plaintiff from the suit property or try to change the nature and character of the suit property in any manner .

The order of ad interim injunction is subject to extension from time to time, if prayed for and allowed or unless changed or varied.

Plaintiff is directed to comply with this order strictly accordance with law.

To date for filing objection by the defendants if any.

D/c by me.

Civil Judge Jr.Divn
Garhbeta Additional

Court

Order No122 Dated 03.01.2025

Today is fixed for passing of order of petition dated 18.06.2025 filed by the plaintiffs .
Both parties file representative hazira through their Ld. Advocate.

According to the submission of the plaintiff the patta which the defendants are intended to be exhibited , can not be taken as document on proof as the said alleged patta is a carbon copy and it required to be proved by call for the official recorded Patta which is lying in the custody of B.L.&L.R.O. Office . The other document is the attested L.R. parcha which is again a carbon copy document and can not be taken as document on proof .

Ld . Advocate of the defendants prayed before this Court to marked those two documents as exhibited document on behalf of the defendants.

Heard & considered .

Heard both sides submission and peruse the materials available on record this Court observed that the attested copy of the L.R. parcha is a carbon copy and it bears the official seal of B.L.& L.R.O. Garhbeta 1, and also have the signature of the Revenue Officer. An attested carbon copy of document can be filed in Court as primary evidence . As per section 57 of Bharatiya Sakshya Adhinyam, the alleged carbon copy must be made using uniform process and the carbon copy must have the signatures and the carbon copy must be of the original copy. The alleged attested L.R. Parcha is absolutely consonance with the provision of law in the context of the primary documents as this attested parcha is the original copy of the original parcha and this document is definitely to be marked as Exhibit on behalf of the defendant .

On the other hand this Court holds opinion that the alleged patta which has been intended by the defendant to be marked as exhibit before this Court on their behalf is not properly signed and sealed by the concerned authority and it creates some doubts in the mind of the Court about the genuineness of the said document . However the defendant is free to call for the counter part of the alleged Patta from the B.L & L.R.O and proof the same before this Court . Hence , it is

ORDERED

That the petition dated 18.06.2025 filed by the plaintiffs be and the same is here by party allowed on contest , without any amount of cost.

Next date: 01/02/2025 for D.W. 1 as last chance i/d necessary order.

**Civil Judge Jr. Div. Additional
Court , Garhbeta**

SAJAHAN MANDAL VS INTAJUL KHAN AND OTHERS

Order no. 5 ,Dated 03.01.2025

Today the record has been placed with a strength of an put up application along with a prayer with affidavit , filed by the plaintiff.

Ld. Advocate of the plaintiff submitted before this Court that on 11.12.2024 this Court has passed an ad interim order being satisfied with the plaintiff's submission as well as the documents supplied by the plaintiff and this Court gave a restrained order to the defendants as not to disturbed the peaceful possession of the plaintiff or dispossess the plaintiff from the suit property. The Ld. Advocate of the plaintiff again submitted that after getting the ad interim order the plaintiff has done the compliance as per law and one of the acknowledgment of the compliance are duly returned to the Ld Advocate of the plaintiff and plaintiff has already informed the Garhbeta ,P.S. regarding the ad interim order by sending copy of injunction order, copy of plaint of the suit, copy of injunction petition but Garhbeta ,P.S. did not pay any heed to the injunction order passed by this Court as the defendants are very dangerous and politically influential persons and they are trying to grab the plaintiff's property by dispossessing the plaintiff from the suit property.

Heard & considered .

Peruse the case record as well as the submission of the plaintiff. By its ad interim order this Court restrained the defendants from creating ant kind of disturbance in peaceful possession of the plaintiff in the suit property . Now plaintiff has submitted that in spite of communicating the ad interim order of this Court of this case to the defendants , just they are disobeying the order by collecting building materials for raising plinth over there. If this will happen then it will be a gross miscarriage of justice and it is not at all desirable. To hold the consistency of the ad interim order as well as for the proper implementation of the ad interim order dated 11.12.2024 it should be executed in its actual sense and spirit. Hence , it is,

ORDERED

That the petition dated 03.01.2025 filed by the plaintiff for Police help to implement the ad interim order dated 11.12.2024 passed by this Court , be and the same is hereby allowed .

O/C, Garhbeta, P.S., is here by directed to see the concerned matter and ensure this Court about the proper implementation of ad interim order dated 11.12.2024 passed by this Court against the defendants of this case and file a report henceforth regarding the matter before this Court with in 17.01.2025.

To date .

S/d- Lipika Das

Civil Judge Jr. Div. Additiani
Court, Garhbeta