

**Title Suit –33 / 2025**  
**CNR – WBWM11 – 000048 - 2025**

**Order No.02 dated 13/05/2025**

“No caveat” is pending.

Plaintiffs have filed the instant suit against the defendants seeking declaration and permanent injunction.

The plaintiffs filed an injunction petition under O. 39, R. 1 & 2 and under section 151 of CPC ,along with the plaint against the defendant nos. 1 and 2 in respect of the suit property mentioned in the schedule of the the plaint.

The facts of the case in nutshell, Dist – Paschim Medinipur , P.S. Garhbeta, bagri – Pargona J.L. No 929 , mouza- Pathaisol, total 65 acre and 58 decimal of land, in L.R. Khatian 40 , 808 dag describe as Ka1 schedule ( 2.5. decimal) with red ink in the trace map along with the plaint , is the suit property. According to the plaintiffs the suit property or Ka1 schedule which is 2.5. decimal of land and non suited 147 decimal of land as total 1.50 acre of land was vested land of the State of West Bengal and when the Government expressed its intention to distribute those lands by patta , one Gurudas Mandi who was the predecessor of the plaintiffs, applied before the said authority for patta and in the year 1970 the B.L. & L.R.O. on behalf of the Governor issued patta and gave settlement of 1.50 acre of land in favour of said Gurudas Mandi and he applied before the J.L. & L.R.O. for getting the possession of the land after proper survey and demarcation of the said patta settled property and accordingly the said J.L. & L.R.O. placed Gurudas Mandi in possession of the said patta land after holding the survey on it and demarcating it and after getting the possession of the said total 1.50 acre that is non suited property and the suit property , transformed the land into plain land and grow paddy twice in the year in 1.47 acre land and kept the rest 2.5 decimal aside as barren land to be used for residential purpose and in this way he was in possession of both the lands and after that his name was finally published in L.R. khatian 40 in respect of the total land and he used to pay tax and khazna of the said land to the concerned authorities. After death of said Gurudas Mandi the plaintiffs inherited the said 2.5 decimal and 1.50 acre of land and all of them are in possession of the said properties. As per the plaintiffs , the defendants have no right, title , interest and possession over the suit property and they do not claim any right over the suit property. At the eastern side of the suit property there is a pitch road and at the east of this pitch road mouza Lalitgang is situated and the defendants are belong from said Lalitgang mouza. Plaintiffs stated that the , the present market value of the suit property is high as it is located adjacent to the pitch road and these defendants with the intention to grab the suit property on 22.03.2025 they entered into the suit property and tried to give boundary with fence and also tried to raise structure on the suit property and in this situation this situation the plaintiff no 1 filed one petition case being no 320 u/Sec- 163 of B.N.S.S. before the Executive Magistrate , Medinipur, against the defendant no 1 and in that case the one restrained order was passed and the illegal work of the defendants was temporarily stopped but again on 05.05.2025 the defendants openly threatened the plaintiffs that they will forcefully entered in the suit property after dispossessing the plaintiffs from the suit property and raised their illegal structure over there. In this circumstances the , the plaintiffs are compelled to file this present suit against the defendants

The cause of action arise on 05.05.2025 or 15 th Baisakh , 1432 B.S. at the suit property within the jurisdiction of this Court, when the defendants gave threat of dispossession of the plaintiffs from the suit property.

The plaintiff has filed some documents i.e., original patta issued by Government of West Bengal , stands in the name of Gurudas Mandi, L.R. ROR of

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the suit property, Certified copy of L.R. ROR of the khatian no 40 Khazna receipts, Notice from Chandrakona Beat House, certified copy of order sheet and

the application of petition case no 320 of Executive Magistrate Medinipur. After perusal of the documents all the original records are returned to the plaintiffs. Perused the materials available on record.

So, I find a prima facie case in favour of the plaintiffs as apparently it is very clear from the documents of the plaintiffs that the dispute between the plaintiffs and the defendants is triable. The balance of convenience and inconvenience also lies in favour of plaintiffs. If the defendants will be successful to dispossess the plaintiffs from the suit property then plaintiffs will suffer irreparable loss and injury. Accordingly, plaintiffs are entitled to get an interim order.

Hence, it is

**ORDERED**

that, the defendant nos. 1 and 2 are hereby restrained from dispossessing the plaintiffs from their peaceful possession in the suit property and or the defendants are also to be restrained from giving any boundary to the suit property with fence and raised any kind of structure over the suit property.

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

Plaintiffs are directed to comply with this order strictly according to law.

To date for filing objection by the defendants if any.

T/c by me.

S/d- Lipika Das

Civil Judge Jr. Divn  
Additional Court Garhbeta.