

Title Suit -37 / 2025
CNR-WBWM11-000057-2025

Later on

“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 of CPC, along with the plaint against the defendant nos. 1 & 2 in respect of the suit property mentioned in the schedule of the plaint.

The facts of the case in nutshell, Dist – Paschim Medinipur, P.S. Goaltore, Bagri – Pargona J.L. No 392, mouza- Hirirgeria, 27 decimal of land out of 2.12 acre, in L.R. Khatian 172,49 and 50, L.R. plot no 39/257 is the suit property and in the north of the suit property walking mud path, in south pitch road, in the east Bastu land of Kinu Dule and in the west bastu land of Joydeb Dule. Plaintiffs have filed this suit for declaration and permanent injunction against the defendants. According to the plaint case 27 decimal of land out of 2.12 acre in L.R. plot no 39/257 was belonged to Nakul Bauri @ Dule, he is the father of plaintiff no 1 and grandfather of plaintiffs no 2 to 6 and during his lifetime he was in possession of the suit property by living there and after his death his two sons plaintiff no 1 and the father of plaintiff no 2 to 6 namely Gobordhan Bauri @ Dule and his widow Golapi Bauri @ Dule inherited the suit property jointly and presently 27 decimal of land out of 2.12 acre in L.R. dag has been recorded, 9 decimal in the name of plaintiff no 1 in L.R. khatian 172, 9 decimal in the name of Gobordhan Bauri @ Dule father of plaintiff no 2 to 6 in L.R. khatian 49, 9 decimal in the name of Golapi Bauri @ Dule father in L.R. khatian 50, and after death of said Golapi Bauri @ Dule her shares of the property has been inherited by plaintiff no 1 and 2 to 6 plaintiffs and all the plaintiffs are in possession of the suit property by raising residential unit over there. As per the plaint case the suit dag is total 2.12 acre of land and there are other 20 co sharers of this plot and all of them are in possession of their respective land and separate khatian has been prepared in their names but in the suit dag the defendants had or have no right, title, interest and possession and the plaintiffs are in possession of 27 decimal of land at the south - west portion of the suit dag and these defendants on 30.04.2025 has started the plinth work in the south- west portion of the suit dag which is the suit property by forcefully and with the help of local political party and the plaintiffs protested the same but the defendants did not pay any heed to the plaintiffs however they were continuing with their illegal work and after that the plaintiffs lodged a written complaint before the Goaltore P.S and G.D. no is 24 of 01.05.2025 and Police came to the spot and asked the defendants to stop the said work but the defendant did not listen to the words of the Police and the plaintiffs file one petition case being no 463 under section 163 of BNSS on 05.05.2025 before the Executive Magistrate, Medinipur and after hearing the plaintiffs the Ld. Executive Magistrate, Medinipur gave direction to the B.L.&L.R.O. and the I.C, Goaltore to hold an inquiry and submit a report before it and for the implementation of the aforesaid order the Revenue Officer, Garhbeta sent notice on 20.05.2025 to both the sides and after receiving the said notice the defendants stopped their illegal work for the time being but till date no such inquiry has been done by the Revenue Officer, Garhbeta and the defendants again started their illegal work and after that the plaintiffs came to know that the order dated 05.05.2025 in petition case 463 of 2025 was been stayed by the upper Court. The plaintiffs submitted before this Court that the defendants have already raised construction upto plinth since they are continuously working from 27.05.2025 and it caused loss to the plaintiffs and the plaintiffs informed the matter to the local Panchayat

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but did not get any relief and these plaintiffs compelled to institute this present suit by finding no other alternative.

The cause of action arise on 27.05.2025 in the suit property at P.S. Goaltore, Bagri – Pargona J.L. No 392 , mouza- Hirirgeria , within the jurisdiction of this Court

The plaintiff has filed some documents i.e., original the L.R. ROR of the suit property stands in the name of Subal Bauri plaintiff no 1, plot information of suit dag in Hirirgeria mouza, G.D. entry dated 01.05.2025 before the Goaltore P.S., Order dated 05.05.2025 passed by Executive Magistrate, Medinipur in Petition case no 463/2025, copy of the Notice from Revenue Officer , Garhbeta,

stands in the name of plaintiffs.

Perused the materials available on record.

So, I find a prima facie case in favour of the plaintiffs as it is very clear from the documents of the plaintiffs that they have possession over the suit property and there is a dispute between the plaintiffs and the defendants and the present suit is fit for trial . The balance of convenience and inconvenience also lies in favour of plaintiffs. If the defendants will successful to dispossess the Plaintiffs from the suit property by raising construction then plaintiff will suffer irreparable loss and injury . Accordingly, plaintiffs are entitled to get ad interim order.

Hence, it is

ORDERED

that, the defendant nos. 1 &1 are hereby restrained from raising any kind of construction in the suit property by dispossessing the defendants 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.

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.