

Title Suit –22 Of 2024(CIS - 46/24)
CNR – WBWM11 – 000071 - 2024

Order No. 02 dt. 07.10.2024

“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 6 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 673, mouza - Satbankura, in R.S. ROR 9/1 and in L.R. ROR khatians 164/2,234/1,200/2,61/4,65,659,660,676 in R.S. Dag no 29 and in L.R. 47 , 37 decimal of property in L.R. Dag no 47 is the suit property out of total 52.5 decimal of the plaintiff's total property out of total plot area 1.11 acre of land. According to the plaintiff in Satbankura mouza total 18 acre 99 decimal of land belonged to Medinipur Serestha and out of this 1.11 acre of land was belonged to Saktipada Singha, Bhaktipada Singha and Muktipada Singha in R.S. and after that from the aforesaid person the property was purchased by one minor Sunil Kumar Chakraborty on 09.02.1971 by a registered sale deed being no 390 but the said Sunil Kumar Chakraborty during his minority died and the property devolved upon his father Dwijendranath Chakraborty and the said Dwijendranath Chakraborty transferred the property by a registered sale deed being no 1333 for the year 1976 before the Sub Registrar , Garhbeta, in favour of plaintiff 1 and plaintiff no 2 and both of them purchased 52.5 decimal of land and possessed the same and after that in the year 2002 both the plaintiffs sold out 15 and 1/2 decimal of land in favour of Desai Sharma by a registered sale deed being no 893 and rest 37 decimal is still owning and possessing by both the plaintiffs and the ROR has been finally published in the names of the plaintiffs . In the year 1970 plaintiffs' father Bijoy Changdar purchased a property in dag no 30 by a registered sale deed being no 391 and after death of their father both of them inherited the said property and ROR of the said property also made in the names of both the plaintiffs. According to the plaintiff in dag no 30B in 1079 Sqft or 2.5 the defendants are trying to take forcefull possession of the suit property by dumping morum for creating a lane and they also collected morum in this respect and instigating all the defendants to involved in this illegal activities and giving threat to take forceful dispossession of plaintiffs' property in 29A portion of dag no 29 and some portion of dag no 30 which has been shown in the map attached with the plaint as green colour. According to the plaintiffs these defendants no 1 and 2 have purchased 29 decimal of land in L.R. dag 47 from Saktipada Singha and others by a registered sale deed but they have recorded their names in 32 decimal of land and after that defendant no 1 and 2 transferred their total property by a registered sale deed in favour of defendant no 3 to 6 in the year 2006 . Now these defendants are trying to thak possession of the suit property by breaking the wall surrunded the plaintiffs' property and from 1 st Vadra, 1431 ,B.S. the defendants are constantly giving threat to the plaintiffs to dispossess them from the suit property. Plaintiffs filed an application under section 144 of Cr.P.C. but inspite of that the defendants did not pay any heed to that effect and plaintiffs are compelled to institute this suit alongwith this injunction petition.

The cause of action arise on 1 st Vadra, 1431 ,B.S. at the suit property, Satbankura mouza, within the jurisdiction of this Court

The plaintiff has filed some documents i.e., original sale deed executed by Fanibhusan Changdar, original sale deed executed by Bamananda Ghosh ,

ordersheet of M.P. case no 483/2023, ordersheet of case no 1047/2023, photo copy of G.D. entry before the Chandrakona Road P.S. , certified copy of L.R. ROR of 168/2 and 234 khatian .

Perused the materials available on record.

So, I find a prima facie case in favour of the plaintiffs. The balance of convenience and inconvenience also lies in favour of plaintiffs. If the defendants will successful to create any road in the suit property by dispossessing the Plaintiffs from the suit property then only plaintiffs will suffer irreparable loss and injury . However , plaintiffs are entitled to get ad interim order at this stage .

Hence, it is

ORDERED

that, the defendant nos. 1 to 6 are hereby restrained from making any kind of road by dispossessing the plaintiff or creating disturbance in the peacefull possession of the plaintiffs in 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
Additional Court Garhbeta.