



AD-60
Ct No.16
13.01.2026
(SSS)

FMA 1570 of 2025
with
CAN 1 of 2025

Bipad Taran Jana
Vs.
Subhashis Ghorai and Ors.

Mr. Goutam Das,
Mr. Nirmalendu Patra,
Mr. Debnarayan Patra
....For the appellant.

Mr. Dyutiman Banerjee,
Mr. Supriyo Sashmal
...For the respondents.

1. Learned counsel for the appellant argues that by the impugned order, the learned Trial Judge erroneously dismissed the temporary injunction application filed by the plaintiff/appellant in a partition suit by taking into consideration a purported permission of construction sanctioned in favour of the defendants/respondents by the Gangasar Bakkhali Development Authority which, as per the relevant statute, is not the appropriate authority to grant such sanction.
2. It is argued that although the learned Trial Judge referred to copies of the development permission having been supplied to the



appropriate Panchayat Samity and Gram Panchayat without any objection from their end, mere lack of such objection does not confer sanctity on the sanction granted by an authority not empowered in law to grant the same.

3. It is further submitted that the learned Trial Judge failed to take into consideration the ad-interim injunction which was being enjoyed by the plaintiff/appellant during the pendency of the temporary injunction application.

4. Learned counsel for the respondents controverts such arguments and submits that nowhere in the injunction application has it been stated that the defendants/respondents are making construction beyond their share of the suit property and/or without any valid sanction plan.

5. Such submission, of course, is controverted by learned counsel for the appellant.

6. Be that as it may, in view of the arguable questions raised, the appeal is required to be heard on merits. Accordingly, FMA 1570 of 2025 is admitted and shall be heard on the above grounds and other grounds taken in the memorandum of appeal.

7. The respondents shall file their affidavit-in-opposition to the injunction application, bearing CAN 1 of 2025, within a fortnight from date,



annexing all relevant documents. Reply, if any, shall be filed within a week thereafter.

8. The application shall be listed for hearing on February 10, 2026.

9. Both parties shall remain restrained by an order of injunction from changing the nature and character of the suit property till February 28, 2026 or until further order, whichever is earlier.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)