



2026:CHC-AS:342

Item No. 01.12.2025
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IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

Ct
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SA 58 of 2025
With
IA NO: CAN 1 of 2025
CAN 2 of 2025
CAN 3 of 2025

Sujoy Parui & Ors.
Vs
Smt. Kaushalya Sarkar & Ors.

Mr. Satyam Mukherjee,
Mr. Purnendu Shekhar Ghosh,
Mr. Saibal Rakshit.

... for the appellant.

Mr. Susenjit Banik,
Mr. Soumyajit Bhattacharya,
Mr. Mrinal Saha.

... for the respondent nos. 1 to 7.

In Re: CAN 3 of 2025

The affidavit-in-opposition to the injunction application and the affidavit-in-opposition to the vacating interim order filed be kept with the record.

Learned advocates for the appellant and learned advocate for the respondent nos. 1 to 7 are present.

The application being CAN 3 of 2025 for vacating interim order is taken up for consideration. In this particular application, the respondent nos.1 to 7 have prayed for a direction upon the appellants to remove the bamboo and wood material piled up in front of the



suit property so that the petitioners, respondent nos. 1 to 7 can get ingress and egress smoothly to their residential house and thereby set aside and vacate order of injunction dated April 16, 2025 passed by the Division Bench. It appears from the order dated April 16, 2025 passed by the Hon'ble Division Bench that the appeal being admitted for being heard on the substantial questions of law. Both the parties were directed to maintain *status quo* as regards the possession and nature and character in respect of the suit property and remain restrained creating any third party interest in respect of the suit property, till disposal of this application.

It is the contention of the respondent nos. 1 to 7 that pursuant to the order passed by the Learned Appellate Court, the appellants have piled up bamboo and woods in front of the suit scheduled land to obstruct the ingress and egress of the applicants, respondent nos. 1 to 7 for which one written complaint was lodged with the Deganga Police Station vide FIR No. 206 of 2024 and a case was initiated under Sections 447/188/34 of the Indian Penal Code. It is further contended that the appellants obtained *ex parte* order from this Court and for which the obstruction cannot be removed by the police authorities. The appellants have denied the allegations made by the respondent nos. 1 to 7. It is



contended by the appellants that the allegations made in paragraph 10 of the application submitted by the respondent nos. 1 to 7 are baseless, motivated and manufactured. The appellants have also denied that there was any obstruction to the ingress and egress of the applicants and it was with the sole mala fide intention to strengthen the cause into execution proceeding.

Upon hearing learned advocates and upon considering the facts of the case, this Court is of the view that the order passed by the Hon'ble Division Bench should be complied and there should not be any deviation from the order. However, it is also necessary for this Court to examine and consider as to whether the free movement of the respondent nos. 1 to 7 is being infringed which is the basic right of all the persons. As the appellants/opposite parties have disputed this fact of obstruction and hindrance in the ingress and egress of respondent nos. 1 to 7 it would be just and reasonable to appoint a Special Officer by this Court to cause an enquiry and submission of report.

Thus, I do hereby Mr. Manas Sadhu, Advocate, Bar Association Room No. 02, Phone No- 9674805147, as Special Officer to visit the suit property and cause an enquiry as to whether the allegations made by the respondent nos.1 to 7 in application being CAN 3 of



2025 is correct or not?

The learned Special Officer shall visit the suit property and verify as to whether the ingress and egress of the respondent nos. 1 to 7 is being obstructed. Further the learned Special Officer shall take necessary photographs of the suit property and the area where obstruction is being made and after ascertaining the same as to whether there is any other alternative of ingress and egress of the respondent nos. 1 to 7.

The learned Special Officer shall upon notice to all the parties and their advocates, cause the enquiry. Such enquiry must be caused within two weeks from the date of communication of this order and a report should be submitted on or before 07.01.2026.

Let this matter appear on 07.01.2026 for report of the learned Special Officer and further orders.

The copy of the applications being CAN 1 of 2023 and CAN 3 of 2023 be served upon the learned advocate, Special Officer.

Learned Special Officer is entitled to a remuneration of 700 gm to be paid by the applicants. The incidental costs shall also be borne by the applicants.

As the matter is subjudice before this Court, parties may seek adjournment before the learned Trial court/Executing Court, which may be considered.



(Biswaroop Chowdhury, J.)