

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

CO/26/2026

Smt Kanak Radha Chatterjee and others

Vs.

Shri Sakthivel and others

Mr. Arul Prasanth ... for the petitioners

April 21, 2026
[SR]
Item No.9

1. The present matter has chequered career.
2. Learned counsel for the petitioner argues that there were at least seven previous rounds of litigation and the petitioners had to run from pillar to post to get their rights vindicated.
3. At the first instance, the plaintiff/opposite party no.1 encroached upon the property of the petitioners, upon which a proceeding of eviction had been taken out by the petitioners before the Tehsildar, which culminated in an order of eviction being passed against the opposite party no.1.
4. Opposite party no.1 unsuccessfully challenged such order before several fora. Even thereafter, the eviction order was not being implemented by the Tehsildar, prompting the petitioners to take out appropriate application and thereafter a writ petition, which was allowed, directing the Tehsildar to implement the order of eviction.
5. The order of the learned Single Judge was challenged before the Division Bench of this Court, which affirmed the order in principle, merely opening up an opportunity of hearing for the plaintiff/opposite party no.1.

6. It is submitted that even thereafter, there were several rounds of litigation. The opposite party no.1, in order to frustrate the right of the petitioners, filed a suit for permanent injunction, which was dismissed by the Trial Court as well as the first Appellate Court, and was affirmed in second appeal as well. Even thereafter, the plaintiff/opposite party no.1 took out a sham challenge after 15 years, by filing a suit afresh for permanent injunction, which was not only palpably time-barred but mala fide and not maintainable on the face of it.

7. It is argued that in connection with the said suit, the learned Trial Judge allowed an application for temporary injunction filed by the opposite party no.1, against which order a miscellaneous appeal was preferred by the petitioner. By the order impugned herein, the learned District Judge refused to grant ad interim stay of the order of temporary injunction in the appeal, compelling the petitioner to prefer the present petition.

8. Upon hearing learned counsel for the petitioners, it transpires that an arguable question has been raised in the present revisional application as to whether the learned Trial Judge was justified in passing the order of temporary injunction and/or whether the learned Judge of the Appellate Court ought to have granted stay in the exceptional circumstances made out.

9. Accordingly, the petitioners shall serve a copy of the revisional application on the plaintiff/opposite party no.1, both by registered post with AD directly as well as to the learned Advocate appearing for the plaintiff/opposite party no.1 in the

Trial Court/ Appellate Court and file an affidavit of service to that effect on the returnable date.

10. Service of notice on the proforma opposite party nos 2 to 5 is dispensed with in view of no relief having been specifically sought against them.

11. Let the matter be listed next on April 24, 2026.

(Sabyasachi Bhattacharyya, J.)