

26-11-2021
Sl. 1308
Court No. 13
pk

WPCRC 52 of 2021
in
W. P. A. No. 5900 of 2020
(Through Video Conference)

Ratikanta Sardar
Versus
Gobinda Sikdar and another

Mr. Mukteswar Maity,
Ms. K. K. Mahato
...For the petitioner/applicant.

Mr. Biswabrata Basu Mallick,
Mr. S. Chakraborty
... for the alleged contemnors.

The alleged contemnor nos. 1 and 2 are
present in Court.

Compliance report dated 26.11.2021 is filed.
This Court is unable to accept the same.

It is submitted that Inspector-in-Charge,
Basanti Police Station has taken upon himself the
authority to conduct the physical inspection of the
property which is the subject matter of the suit
property in T. S. No. 618 of 2019. The said
inspection was conducted without notice to the
petitioner. The report does not contain the
petitioner's signature. It is submitted that only
2.74 acres of land is in possession of the
petitioner.

This Court is unable to appreciate as to under what authority the Revenue Inspector, Chunakhali, Basanti has conducted the aforesaid survey and/or inspection. It is not understood as to why the petitioner was not notified the same.

The Court's mind is free from doubt that an attempt may have been made to alter the status quo that was prevailing on the date when the order of injunction was passed by the civil court in T. S. 618 of 2019.

This matter is remanded back to the said civil court which shall consider and decide what was the status quo as on the date of passing of the order of injunction.

The alleged report of the Revenue Inspector dated 19.03.2021 shall not be binding on the plaintiff/petitioner or the court below. The Court shall make an independent enquiry as it may deem fit and come to conclusion of its own.

Md. Abdur Rog Khan, Officer-in-Charge, Basanti Police Station, present in Court today, shall ensure that the petitioner and his possession of land is not disturbed.

The Court is of the view that conduct of the Basanti Police Station should be enquired properly by the Superintendent of Police, South 24 Parganas.

Let a copy of the order be sent to the Superintendent of Police, South 24 Parganas to take proper steps in terms of the letter and spirit of the said order.

The personal presence of the alleged contemnors is dispensed with. They are, however, warned against repeating the same henceforth.

With the aforesaid directions, the contempt application is disposed of. Rule shall stand discharged.

There will be no order as to costs.

(Rajasekhar Mantha, J.)