

12.05.2021
02
suman
Ct.3

C.O. 63 of 2021

(Via Video Conference)

Terai Resorts and Country Club Pvt. Ltd.
Vs.
Smt. Sarda Tamang & Smt. Jashoda Tamang and
ors.

Mr. Sagar Bandopadhyay
Mr. Ratul Das
...for the petitioner

On the basis of a deed of lease granted by the Government in favour of the petitioner, the petitioner started tea tourism and resort on the disputed land.

It is further alleged that on the date of commencement of such business it was found by the petitioner that the opposite parties have already encroached a substantial portion of the land which was leased out and are doing commercial business. This prompted the petitioner to file Title Suit No.2 of 2021. Learned Court below granted a limited order of ad interim injunction and appointed Advocate Commissioner for local inspection under Order XXXIX Rule 7 of the Code of Civil Procedure. As the learned trial

Court refused to grant ad interim injunction against the commercial activities of the opposite parties the petitioner moved an appeal before the learned District Judge, Darjeeling being Misc. Appeal No.4 of 2021.

It is contended by the learned advocate for the petitioner that the said Misc. Appeal is still pending and taking advantage of the pendency of the appeal, the opposite parties are contemplating to commence commercial activities.

In spite of such circumstances, the instant writ petition is disposed of directing the learned District Judge, Darjeeling to dispose of Misc. Appeal No.4 of 2021 either in virtual or physical mode within 30 days from the date of communication of this order without giving any adjournment to either of the parties.

Parties are at liberty to act on the server copy of this order.

(Bibek Chaudhuri, J.)

