

07.09.2022
Court No.13
Item No.570
AP

WPA 16474 of 2022

**Shova Rani Dutta and Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Saibal Acharyya
Mr. Pradip Paul
Mr. Gourab Ghosh

... For the Petitioners.

Mr. R.N. Mahato
Mr. A.S. Ray

... For the Respondent Nos.6 to 11.

Affidavit of service filed in Court today is taken on record.

The petitioners are aggrieved by the fact that despite order of injunction and police help to enforce the said injunction, they have been prevented by the private respondents from effecting construction of a cowshed within their portion of the premises.

Admittedly the premises has been amicably partitioned between the petitioners and the private respondents. An injunction was ordered by the learned Civil Judge (Junior Division) 3rd Court, Paschim Medinipur in T.S. No. 258 of 2022 filed by the petitioners.

Counsel for the private respondents submits that they have no objection if the petitioners make any construction within the petitioners' portion of land.

The dispute is, therefore, to the extent of construction being made by the petitioners. Since the

private respondents have already filed objection to the application before the Court Below, the Civil Judge (Junior Division), 3rd Court, Paschim Medinipur shall dispose of the said application within a period of two months from date.

The Court below shall immediately upon receipt of a copy of this order appoint an Advocate Commissioner to ascertain the scope of the construction made by the petitioners and the extent of the land of the petitioners vis-a-vis the private respondents.

A report shall be submitted before the Civil Judge (Junior Division), 3rd Court, Paschim Medinipur and the injunction application of the petitioners shall be decided after consideration of the Advocate Commissioner's report in accordance with law.

The Officer-in-Charge, Pingla Police Station shall ensure that there is no breach of peace in the area.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)