

DL-18

12.07.2023
Court No.5
(AD)

WPLRT 80 of 2023

**Aniruddha Paramanik & Anr.
Vs.
The State of West Bengal & Ors.**

Ms. Ambika Sasmal

... for the petitioner.

The writ petition is directed against an order dated November 11, 2022 passed by the West Bengal Land Reforms and Tenancy Tribunal.

By the impugned order, the learned Tribunal refused to grant *ad-interim* order of injunction as prayed for primarily on two grounds. One ground was that the writ petitioner was not the owner of the plot concerned and the other ground was that the writ petitioner did not make out any *prima facie* case for grant of interim order.

Apparently, Gram Panchayat was constructing a bus stand on a plot. The records before the Tribunal did not demonstrate that the writ petitioner before the Tribunal was the owner of the plot.

The contention of the writ petitioner before the Tribunal that, no prejudice will be suffered by any of the parties is not a consideration for grant of an order of injunction. While granting an order of injunction, the authorities are to consider whether the persons seeking the order of injunction made out a *prima facie* case or

not, whether the balance of convenience or inconvenience was in favour of grant of the *ad interim* order of injunction or not and whether the interim order was required for the ends of justice.

The Tribunal evaluated the prayer for *ad interim* injunction on the touchstone of a *prima facie* case and found the writ petitioner not to satisfy such yardstick.

We find from the records that the matter was directed to appear in the list of the Tribunal on February 6, 2023.

The impugned order is dated November 11, 2022 and the writ petition was filed in July, 2023.

In such circumstances, we find no merit in the present writ petition.

WPLRT 80 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

