

30.07.2024
Item No.29, DL
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
C.O. 1889 of 2023**

Kamala Porel & Ors.

-Vs-

**Sri Sri Shiv Thakur, represented
by its managing Shebalet, Shanti
Sekhar Pramanik & Ors.**

Mr. Kushal Chatterjee,
Mr. Prasayan Mukherjee,
Mr. Oishik Chatterjee.
...for the petitioners.

The instant application under Article 227 of the Constitution of India is at the instance of the defendants in a suit for declaration which is directed against order dated May 11, 2023 passed by the 1st Court of the learned Civil Judge (Junior Division) at Uluberia in the said suit being *Title Suit No. 279 of 2016*.

The learned Trial Judge by the order impugned has allowed the plaintiffs to clean the suit pond in the following manners:-

“The plaintiffs are hereby directed to carry out the necessary cleaning work upon the scheduled property, at the expense of the plaintiffs, but under the supervision of the defendants. Both the sides to the suit are hereby strictly directed to ensure that the nature and character of the scheduled property is not changed in any manner in the course of conducting such cleaning work. Further, the cleaning work of the scheduled property, in the manner as directed above, shall be conducted in the presence of the Ld. Advocates for both sides. The Ld. Advocates for both sides are further directed to fix a mutually convenient date and time for conducting the cleaning work as directed, in the presence of the Ld. Advocates for both sides.”

The plaintiffs are entitled to clean the suit pond strictly in terms of the order impugned, but under the garb of such cleaning, they are not entitled to fell down any tree(s) in and around the suit pond.

In the event the plaintiffs exceed the permission granted to them for such cleaning, the petitioners are entitled to inform the same to the concerned Police Station which shall take necessary steps accordingly.

C.O. 1889 of 2023 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)