

*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. 3403 of 2024

**Sarai Purba Para Sarbojanin Durga Puja
Committee, represented by its members, namely,
Sri Sankar Debnath @ Shankar Debnath & Ors.**

Vs.

Moumita Dey & Ors.

Mr. Supratim Dhar,
Mr. Dhananjay Nayak ...For the petitioners.

Mr. Debrup Bhattacharjee,
Mr. Pradipta Banerjee ... For the O.P. Nos. 2,3,4,6 & 8.

Affidavit-of-service filed on behalf of the petitioners be
kept with the record.

The petitioners are the defendants of a suit for ejectment
of trespassers and injunction.

The said suit being Title Suit No. 447 of 2022 is pending
before the 2nd Court of learned Civil Judge (Junior Division)
at Chinsurah, District – Hooghly.

The learned Trial Judge by the Order No. 09 dated
September 26, 2022 has refused the applications of the
plaintiffs, the opposite parties herein, for an order of
injunction and implementation of such order by police help
but the learned District Judge, District-Hooghly, in appeal,
by the impugned judgment and order dated January 29,
2024, has allowed the prayer of the plaintiffs, thereby has
reversed the said order of the learned Trial Judge.

Mr. Supratim Dhar, learned advocate for the petitioners
submits that the defendant no. 1 organizes the Durga Puja
annually in a portion of the suit property but the said order
of injunction is obstructing the said defendant no. 1 Club
from organizing such Durga Puja.

Mr. Bhattacharjee, learned advocate for the opposite parties submits that the apprehension of the petitioners is baseless since the order of injunction is restricted to construction over the suit property.

The impugned order of injunction restrains the defendant no. 1 Club and its members from making any further construction on the suit property till the disposal of the suit and the Officer-in-Charge of the Pandua Police Station has been directed to ensure implementation of the said order. The said order cannot come in the way of the defendant no. 1 in organizing the Durga Puja on the suit property or on any part thereof.

The order impugned, for the aforesaid reason, does not call for any interference.

C.O. 3403 of 2024 is dismissed 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 copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)