

07.10.2024
(D/L-16)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 3640 of 2024

Udayachal Club represented by
Secretary Anirban Debnath

-Vs-

Sri Monotosh Debnath & Ors.

Mr. P. P. Mukhopadhyay,

Mr. Vivek Kumar Tripathi,

... For the Petitioner.

Mr. Sabyasachi Chatterjee,

Mr. Tapas Kumar Chattopadhyay,

.... For the Opposite Parties.

The 5th Court of learned Civil Judge (Junior Division), Howrah, by the judgment and decree dated June 29, 2024 has dismissed the suit filed by the petitioner-club being Title Suit no. 142 of 2004 for declaration that it has acquired right, title and interest over the suit property by way of adverse possession.

The petitioner, aggrieved thereby has preferred the connected appeal being Title Appeal No. 99 of 2024 pending before the 2nd Court of learned Additional District Judge, Howrah.

The Appeal Court below, by the order impugned being order no. 8 dated September 23, 2024 has refused to grant permission to the petitioner to hold Durga Puja and Lakshmi Puja in the suit property holding that the suit since has been dismissed with findings that the appellant has failed to establish its title and possession over the suit property by way of adverse possession, is not entitled to the permission as prayed for.

This Court, considering the nature of the prayer, had appointed Mr. Sayan Banerjee, learned advocate as Special Officer to explore the possibility of grant of such permission with certain conditions.

Mr. Banerjee files his report. The petitioner also files an undertaking that if it is permitted to hold such Pujas, appropriate steps would be taken to remove the pandals and other materials from the suit property immediately after the Puja.

The report of the Special Officer and the said affidavit of the petitioner be kept with the record.

It appears from the report that no police permission has been obtained to hold the said Durga Puja at the suit property and within 100 meters from the suit property, another Durga Puja has been organized.

In the backdrop of the facts and circumstances as discussed above, this Court is not inclined to interfere with the order impugned.

C.O. 3640 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.)