

D/L - 1
04/04/2025
Court. No. 5
S.Kundu

**C.O. 3844 of 2024
With
CAN 1 of 2025**

**Madhusanchay Construction & Developers Private
Limited & Anr.**

Vs.

**Nemai Chandra Samanta @ Dilip Kumar Samanta &
Ors.**

Mr. Probal Mukherjee, Sr. Adv.
Mr. Indranil Roy,
Mr. Sanjoy Mukherjee,
Mr. S. Chowdhury,
Mr. A. Roy chowdhury

...for the petitioners.

Mr. Gopal Ch. Ghosh, Sr. Adv.
Mr. R. Mondal

...for the opposite party.

1. The instant application has been filed inter alia, seeking clarification and/or modification of the order dated 21st November, 2024 passed by this Court in the above revisional application.
2. It appears that by order dated 21st November, 2024, this Court having regard to the facts of this case and considering that the defendants are entitled to certain protection at least for the purpose of protecting the property, was of the view that the construction work which was going on as on the date of institution of the suit on the suit property, should be concluded in accordance with the sanctioned plan. Obviously, the Court was conscious of the fact that the super structure which had already been constructed required protection

and having regard thereto, the aforesaid direction was passed.

3. Although Mr. Ghosh, learned senior advocate representing the plaintiff/opposite party/applicant would submit that taking advantage of the aforesaid order, the defendant nos. 9 and 10 have started new construction on the vacant land of the suit property by excavating earth and casting concrete pillar, and prays by way of the clarification to in effect restrain/prevent the defendants from carrying out further construction work, I am of the view that the aforesaid prayer is beyond the scope of the aforesaid application. It is made clear that the intention of the Court while passing the aforesaid order was only to protect the super structure within the suit property that existed at the time when the aforesaid application was moved as would be evident from the photographs annexed to the revisional application. Accordingly, by relying on the disclosure made by the parties, and the materials available on record, this Court had permitted the construction work which was going on, as on the date of the institution of the suit to be concluded in accordance with the sanctioned plan.
4. With the above observations and directions, the application being CAN 1 of 2025 stands disposed of.
5. There shall be no order as to costs.

(Raja Basu Chowdhury, J.)