

01-05-2025
Item no.20
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

CO No.1521 of 2025
Smt. Sachirani Majhi
-vs-
Smt. Anima Halder & Anr.

Mr. Supratick Syamal
Mr. Dilip Kumar Shyamal ...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the second opposite party in a proceeding under section 8 of the West Bengal Land Reforms Act, 1955 being Misc. Case (Preemption) No.83 of 2024 and is directed against an order dated April 8, 2025 passed by the learned Civil Judge (Junior Division), 3rd Court at Baruipur.

By the order impugned, an application under section 151 of the Code of Civil Procedure, 1908 filed by the petitioner herein praying for a direction to construct a dwelling house on the suit property under the Prime Minisater Awas Yojna stood rejected.

Learned counsel for the petitioner submits that the petitioner shall not claim any equity for raising such construction.

After going through the materials on record, this court finds that the learned trial judge passed an order of injunction restraining the petitioner herein not to alienate the suit property and not to change nature and character and not to cause any waste and damage of the suit property.

After going through the averments made in the

application under section 151 CPC, this court is of the considered view that if such application is allowed, the same would result in modifying and/or vacating the order of injunction. It would ultimately result in converting the nature and character of the suit property during the pendency of the pre-emption proceeding.

In view thereof, this court is of the opinion that the learned trial judge was right in rejecting the application filed under section 151 CPC.

At this stage, learned counsel for the petitioner prays that a direction be passed upon the learned trial judge to dispose of the preemption proceedings expeditiously.

In the light of the submission made on behalf of the petitioner, CO No.1521 of 2025 is disposed of by requesting the learned Civil Judge (Junior Division), 3rd Court at Baruipur to dispose of Misc. Case (Preemption) No.83 of 2024 as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Hiranmay Bhattacharyya, J]

