

Court No. 6
(265719)

10.07.2025
(A 966)
(S. Banerjee)

CO 1721 of 2024

Sk. Israul Haque & Anr.
Vs.
Sk. Mojibul & Ors.

Mr. Satyendra Agarwal
Mr. Sudipta Maiti
Mr. Goutam Malik

...for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being no. 21 dated February 5, 2024 passed by the learned Civil Judge (Jr. Division), 1st Court at Paschim Medinipur in Title Suit No. 332 of 2022. By the order impugned, the application under Order 26 Rule 9 of the Civil Procedure Code, stood rejected.

The learned advocate appearing for the petitioners submits that local investigation of the suit property on the points mentioned in the schedule of the application for local investigation is absolutely necessary for the purpose of proving the case of encroachment.

The petitioners filed a suit for declaration that the plaintiff is the owner of the suit property and is in peaceful possession of the same. The petitioners also

prayed for an order of permanent injunction restraining the defendants from changing the nature and character of the suit property.

After reading the plaint this court finds that no case of encroachment of the suit property has been made. The learned trial judge rightly noted that the plaint does not contain any sketch map showing the encroached portion.

After taking note of the case made out in the plaint this court finds that the learned trial judge was right in rejecting the application for local investigation. For such reasons this court does not find any reason to interfere with the same.

Accordingly, CO 1721 of 2024 stands dismissed. However, there shall be no order as to costs.

(Hiranmay Bhattacharyya, J.)