

20
20.8.2025
Ct. No. 16
SB

FMA 1019 of 2025
CAN 1 of 2025 (stay)

Sri Ujjal Kanti Samanta
Vs.
Sri Nimai Charan Manna & Anr.

Mr. Debasis Sur
Mr. Hare Krishna Halder
Mr. Dilip Kumar Das
Mr. Angshuman Patra
Ms. Anindita Chatterjee ... for the appellant

Mr. Kumar Jyoti Tewari
Mr. Panchanan Hazra
Mr. Amrit Sinha ... for the opposite parties.

1. We have heard the learned advocates for the parties.
2. The application under Order 39 Rule 7 of C.P.C. was allowed in order to ascertain the condition of the property and possibly also to ascertain whether there has been a violation of the order of the *status quo*. It is submitted on behalf of the appellant that prior to the order of *status quo* dated 02.6.2025, pursuant to the advertisement published on 18.7.2023 for retail outlet dealership at location serial no. 811 under the Kisan Seva Kendra operated by Indian Oil Corporation Limited are rural retail outlets with the object to provide essential services to the farmers and rural communities. The office of the District Magistrate has granted sanction to one Debasis Service Station to carry on the business of petrol pump after obtaining permission from the fire service authority on 16.01.2025 and also necessary permission from the DL & LRO. If that was a situation existing

prior to the order of the *status quo* certainly it will not affect the said business. The *status quo* should be limited to the point of time i.e. 02.6.2025. The Court should not casually pass an order of *status quo* without first ascertaining the nature and character of the property as an omnibus order of *status quo* might create future complications.

3. These observations, is made only for the purpose that it may not be contended and held in future that on the date when the order of *status quo* was passed there was no existence of any petrol pump. Our observation is limited to that extent only and cannot be read to mean that any permission is given to the appellant to carry on the said business from the suit property.
4. The appeal and the application are accordingly disposed of.

(Soumen Sen, J.)

(Apurba Sinha Ray, J)