

08.12.2025
M/L No.66
Court No.6
(gc)

CO 3441 of 2025

**Ranjan Hazra
Vs.
Bijoy Kumar Giri & Ors.**

Mr. Falguni Bandyopadhyay,
Mrs. Sreetama Neogi,
Ms. Riya Ballav,
Mr. Tamal Mukhopadhyay,
Mr. Aindrik Chatterjee
...for the Petitioner.

1. This Court does not find any reason to interfere with the order dated August 13, 2025 passed by the learned Civil Judge (Sr. Division), 2nd Court, Baruipur in connection with Title Suit No.440 of 2024. By the order impugned, the learned Court rejected the applications filed by the petitioner for a direction upon the O/C, Jharkhali Coastal Police Station to implement the order of status quo and for a further direction upon the said police station to remove the obstruction of private pathway and the bamboo fencing allegedly installed by the defendant nos.1 to 4.
2. The learned Court recorded that the suit was for partition. The plaintiff filed an application for injunction under Order 39 Rule 1 & 2 of the Code of Civil Procedure. The Court had directed the parties to maintain status quo in respect of

nature, character and physical possession. The allegation of the petitioner that, the defendant nos.1 to 4 had not only violated the order of injunction, but also had blocked the ingress and egress of the petitioner could not be proved by any iota of evidence. There was no material before the Court which would indicate that the allegations were correct. The report of the Advocate Commissioner also did not disclose such fact. Under such circumstances, the applications were rejected.

3. It is an admitted fact that without some evidence as to violation of the order of injunction, direction for police help cannot be passed at the mere asking. Moreover, it was for the petitioner to prove that the path way was blocked by bamboo fencing allegedly erected by the defendants. In the absence of any such proof, the Court could not have passed such mandatory orders.
4. Under such circumstances, the revisional application is disposed of without any interference.
5. The learned Court is requested to expedite the suit as early as possible in accordance with law.
6. In the event there are violations in future, the petitioner may approach the court with proper pleadings and better particulars and cogent materials.

7. There shall be no order as to costs.
8. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)