

D/L40
18.11.2025
Rohit
ct.no.16

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

**MAT 1626 of 2025
With
CAN 1 of 2025**

**Jayanta Mondal
Versus
Rita Samanta & Ors**

Mr. Asis Bhattacharyya

...for the Appellant

Mr. Sabir Ahmed
Mr. Dhiman Banerjee

...for the Private Respondent

1. Affidavit-of-service filed in Court today be kept with the record.
2. The present challenge has been preferred against an order passed by the learned Single Judge whereby, on a writ petition preferred by one of the private respondents, complaining of illegal encroachment in front of the writ petitioner's property, the learned Single Judge disposed of the said writ petition by directing the respondent no. 4/ authority therein to obtain a demarcation report from the jurisdictional BL&LRO and thereafter, upon giving opportunity of hearing to the writ petitioner as well as the respondent no. 7 therein (present appellant) and/or their authorized

representatives, to pass a reasoned order within 45 days from the date of receipt of the demarcation report.

3. Till passing of a reasoned order by the respondent no. 4 authority, the respondent no. 7 in the writ petition i.e., the present appellant was restrained by an order of injunction from raising any construction in front of the land of the writ petitioner, the particulars of which had been mentioned in paragraph no. 3 of the writ petition.
4. Learned counsel for the appellant submits that the appellant received notice of the writ petition subsequent to the order being passed. Hence, the appellant could not be represented at the hearing before the learned Single Judge. That apart, it is contended that the appellant is not making any construction in front of the writ petitioner's property.
5. As such, it is argued that the injunction order passed against the present appellant was bad in law.
6. Furthermore, it is complained by the appellant that no notice of hearing has yet been received in terms of the order of the learned Single Judge.
7. In so far as the last allegation is concerned, in the event there is any grievance regarding the order or

the timeline stipulated by the learned Single Judge's order not being complied with, it is always open to the appellant to approach the learned Single Judge with a contempt application or an application for implementation of the said order.

8. In so far as the restraint order regarding raising construction in front of the land of the writ petitioner is concerned, since it is the appellant's own case that the appellant is not making any construction in front of the said property, the injunction cannot affect adversely the appellant in any manner in any event.
9. Even otherwise, it is absolutely just and proper that during the pendency of the matter before the respondent no. 4 /authority, no construction is made in front of the land of the writ petitioner, which would evidently jeopardize the entire exercise of adjudication by the respondent no. 4 /authority in the writ petition.
10. Thus, we do not find any illegality in the impugned order.
11. Hence, MAT 1626 of 2025 along with CAN 1 of 2025 are dismissed without any order as to costs.
12. However, it is expected that the concerned authority shall act in terms of the learned Single

Judge's order and decide the matter as expeditiously as possible.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)