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CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.O. 29 of 2026

Santosh Kumar Mohanty
Vs.
Nasir Ahamed

Mr. Partha Pratim Roy
Mr. Diganta Ghosh
..... for the petitioner

Mr. Satyam Sarkar
Mr. Mrinmoy Chandra Laskar
..... for the opposite party

1. Let affidavit-in-opposition, as filed in Court by the opposite party, be kept on record.
2. This revisional application has been made at the instance of the defendant in the suit. Prima facie, the impleadment of the defendant as the only party defendant in the suit seems erroneous as the allegations are really against the company, Teesta Agro Industries Limited. The defendant, applicant herein, is merely a Manager of such company.
3. The grievance of the petitioner is that the plaintiff, opposite party herein, is a rank outsider and was never in possession of the suit property comprised in R.S. Khatina No. 178 corresponding to L.R. Khatian No. 1390 within Mouza – Kismatsukani, Paragana-

Baikanthapur, Sheet No. 2, Touzi No. 1, J. L. No. 10 under P.S. – Rajganj, District – Jalpaiguri, (the said land for brevity).

4. The petitioner herein, defendant in the suit, suffered an *ad interim* order of injunction on December 23, 2025, before the learned trial court, which was carried in appeal and is still pending before the appellate forum.
5. Even while such appeal was pending, the opposite party made an application under Section 151 of the Code of Civil Procedure, 1908, seeking *inter alia*, a direction on the police authorities, to assist the opposite party to maintain possession in respect of the said land. In the said application, the order impugned of February 25, 2026 was passed, directing *inter alia*, the police authorities to keep vigilance and ensure that the Court order is not violated by any of the parties.
6. Both parties hereto have been unable to establish their respective possession over the said land. In fact, even as the affidavit has been filed by the opposite party, there is little or nothing on record to come to a conclusion that the opposite party is in possession of the said land.

7. Likewise, the petitioner, an office bearer of the company, has not been able to show any such document or any corroborative evidence to prove his possession over the said property.
8. In view of the aforestated, the police authorities are directed not to take any coercive steps in the matter against any of the parties and will only see that the law and order is maintained in the area without causing any infraction of rights of any of the parties.
9. The order of February 25, 2026 is modified to the aforestated extent.
10. I do not wish to make any comment in respect of the order dated December 23, 2025, since the same is pending adjudication before the appellate court.
11. With the aforestated directions, the revisional application being C.O. 29 of 2026 is disposed of.
12. There shall be no order as to costs.
13. Petitioner is at liberty to communicate the concerned police officer, a copy of this order, duly downloaded from the official website of this Hon'ble Court.
14. All parties, including the police authorities are to act on a server copy of this order.

(Reetobroto Kumar Mitra, J.)