



FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

3448

1. Dist. Pradhannagar P.S. Pradhannagar Year 2021 FIR No. 735/21 Date 15.09.21

2. i) Act. Sections ii) Act. Sections 188 IPC

(iii) Act. Sections (iv) Others Acts & Sections

3. (a) Occurrence of Offence : Day 13.09.21 Date From 13.09.21 Date To 13.09.21

Time Period 15.09.21 Time From 19:45 hrs Time To 19:45 hrs

(b) Information received at P.S. Date 15.09.21 Time 19:45 hrs

(c) General Diary Reference : Entry No(s) 938 Time 19:45 hrs

4. Type of Information : Written Written / Oral

5. Place of Occurrence : (a) Direction and Distance from P.S. Beat No.

(b) Address A Piece of land having Plot. No. 52, 53, PL No. 107, Kshabin No. 24 Mouza Mandalaguri, P.O. Champasari Ps. Pradhannagar Dist. Dajeeeling.

(c) In case outside limit of this Police Station, then the Name of the P.S. Dajeeeling District Dajeeeling

6. Complainant / Informant :

(a) Name Sri Suresh Singh

(b) Father's / Husband's Name Sri. Madan Singh

(c) Date / Year of Birth : Indian

(d) Nationality Indian

(e) Passport No. Date of Issue Place of Issue

(f) Occupation R/o H.D. Kama Road Dajeeeling

(g) Address R/o H.D. Kama Road Dajeeeling

7. Details of known / suspected / unknown accused with full particulars (Attach separate sheet, if necessary) :

1. Lallu Yadav and his associates.

8. Reasons for delay in reporting by the Complainant / Information

9. Particulars of properties stolen / involved (Attach separate sheet, if necessary) :

10. Total value of properties stolen / involved

11. Inquest Report / U.D. Case No., if any

12. FIR Contents (Attach separate sheets, if required) : The original written Complaint of the Complainant which is treated as FIR is enclosed herewith

13. Action taken : Since the above report reveals commission of offence(s) as mentioned at item No. 2., registered the case and took up the investigation / directed ASI Suresh Kanti to take up investigation / refused investigation / transferred to P.S. on point of jurisdiction. FIR read over to the Complainant/ Informant, admitted to be correctly recorded and a copy given to the Complainant / Informant free of cost.

14. Signature / Thumb impression of the Complainant / Informant

15. Date & Time of despatch to the court : Dr-16.09.21

Signature of the Officer-in-Charge, Police Station Subal Ch. Ghosh

Name : Subal Ch. Ghosh

Rank : No. St of Police Constable/SPC

Dr-15.09.21

Date: 14th September 2021

The Inspector In-Charge
Pradhan Nagar Police Station
Pradhan Nagar
Siliguri

Sub: General Diary

Sir

This is with reference to my previous complaint dt.05th September 2020, 13th September 2020, 19th February 2021, 22nd February 2021, 26th February 2021, 04th March 2021 and 20th May 2021 stating that some Local miscreants and land mafias namely Mr. Laltu Yadav and his associates have forcefully encroached into my property situated at Plot No.52, 53, JL No. 107, Khaitan No.24, Mouza Mandalaguri, Pokaijote, Champasari, Siliguri.

I have filed a case being T.S 18/2020 before the Civil Judge (Jr. Div) Siliguri and the honorable court has granted Status Quo over the suit property whereby any act over the suit property by either of the parties to the suit is restricted (Copy of the order already submitted at your office vide my letter dt.26/02/2021) next date of hearing is on 08/09/2021

On 05th March 2021, I along with your officers visited my property, the illegal encroachment was vacated by the officers and I had reinstated my pad locks in my property. On 19th May 2021 Mr. Laltu Yadav and his associates again entered into my property, taking advantage of the pandemic and lockdown broke all my pad locks and has put his locks defying the law and breaching the order of the court. I had filed a General Diary on 20th May 2021 being GD No.1016 and till date no action has been taken from your office.

Sir, again yesterday and today the same Mr. Laltu Yadav and his associates have entered into my property and have started working on the same with intentions best known to them. As I am a resident of Darjeeling these people are taking full advantage of being local resident of that area and they will keep on doing this again and again. I request your office to kindly take strict action and to reinstate my pad locks over my property, so I am not harassed and mentally disturbed.

Your early action in this matter shall be highly appreciated.

Thanking you

Yours faithfully


Dinesh Singh
S/o Late Madan Singh
R/o H.D. Lama Road
Darjeeling - 734101
Ph: 9933033750

Enclosed: Copy of Court Order

Received on 15.09.21 at 19:45 hrs vide
P.N.P.C. G.D. No - 938 dt. 15.09.21 and started
P.N.P.C. Case No. 735/21 dt. 15.09.21 u/s 188
I.P.C. and endorsed to ASI Suresh Samito
investigate the case.


15-09-21
Inspector-Incharge
Pradhan Nagar P.S.
Siliguri Police Commissionerate

T.S. 78/2020

CIS Reg. No. 18/2020

CNR No. WBDJ10-000091-2020

Order no. 10

Dated 25.02.2021.

Today is fixed for passing order in respect of the petition for temporary injunction dated 01.12.2020.

Parties take steps.

The suit record is taken up for passing order.

Perused the suit record including the pleadings of the parties, the petition for temporary injunction along with written objection filed against it and documents available.

Considered.

In this suit, the plaintiff has in fact prayed for a declaration of his exclusive title over the suit property as original relief. With this as consequential relief, he has sought for perpetual injunction to restrain the defendants from entering into the suit property in any manner whatsoever. So far as the Schedule of suit property featured in the plaint is concerned, the suit property measuring 15 cottahs or more or less 0.25 acres appertains to R.S. plots no. 52 and 53 (recorded in R.S.Khatian No. 24) situated at Mouza-Mandalaguri, P.S. Pradhannagar, Dist. Darjeeling being butted and bounded in the manner described therein.

Plaintiff's case is that one Rina Sarkar, wife of Paresh Chandra Sarkar was the original owner of the suit property who transferred it to one Raj Kumar Subba, Son of Mahananda Subba and his wife Smt. Babli Subba (wife of Rajkumar Subba) through a registered deed being no. I-1340 dated 12.09.1994. As per the plaintiff in their turn, the said Rajkumar Subba and Babli Subba had transferred the suit property to the plaintiff through a registered deed of sale being no. I-497 of the year 2006 (registration got completed on 04.07.2020) and in this way they are in physical possession thereof. The plaintiff also stated that his name has been mutated in respect of the suit property vide mutation case no. 779/IX-II/06. To narrate the cause of action of the suit, plaintiff pleaded that suddenly on 05.09.2020, defendant no. 4 and 6 along with their associates entered into the suit land and unloaded building materials thereupon with an ostensible intention of constructing a temporary structure therein. In para 7 of the plaint, the plaintiff originally pleaded that concerning the self same subject matter, on 08.09.2020 he had filed an application u/s 144 of Cr.P.C. before the appropriate forum against the defendants no. 4 and 6 but ultimately the dispute did not get settled.

To contest the claims (*supra*) of the plaintiff over the suit property both in their W.S. and W.O. the defendants have not only denied the title and possession of the plaintiff over the suit property but also disagreed the plaintiff's contention that their Vendors Rajkumar Subba and Babli Subba or prior to them anyone as Rina Sarkar wife of Prakash Chandra Sarkar were/was in possession of the suit property at any point of time. Version of the defendants is that one Jialal Das since deceased who was predecessor in interest of the defendants no. 1 to 3 was the original owner of the entire land of the R.S. suit plots no. 52 and 53 and his name had been recorded under R.S.khatian no. 24 to that effect. According to the defendants by way of succession and inheritance, the suit property devolved upon the defendants no. 1 to 3 and they are in settled possession thereof. In support of their reasoning, Ld. Advocate of the defendants produces copy of the R.S.R.O.R. standing in the name of said Jialal Das which indeed asserts that his name had been recorded under khatian no. 24 as holder of the land falling within the area of R.S. suit plots no. 52 and 53. Not only that Ld. Advocate of the defendants also submits copy of the report of the S.R.O-II & Officer in charge of Siliguri Municipal Corporation Area(LR), Siliguri, Darjeeling being Memo no. 237/OC/SMCA(LR)/SLG dated 02.11.2020 which had been forwarded before the Special Executive Magistrate, Siliguri in connection with the proceedings u/s 144 of Cr.P.C. about which the plaintiff has

already stated in para 7 and 8 of his plaint. This report dated 02.11.2020 being transmitted from a competent authority, manifests that the said Jialal Das, Son of Satal Das was not only the R.S. recorded owner of the land appertaining to R.S. plots no. 52 and 53 but also original owner of the land (suit land) which the plaintiff claims in this suit by the dint of the deed being no. 1-497 of the year 2006 (mentioned in para 3 of the plaint). It would be pertinent to mention here that R.S.R.O.R. in the name of Jialal Das as produced by the plaintiff displays recording of the names of the vendors of the plaintiff therein with comments that they had purchased 13 decimals of land in R.S. suit plot no. 52 and 12 decimals of land in R.S. suit plot no. 53 by virtue of registered deeds. But, fact remains that such R.S.R.O.R. does not tally either with the R.S.R.O.R. produced by the defendants or with the said report of the S.R.O-II & Officer in charge of Siliguri Municipal Corporation Area(LR), Siliguri, Darjeeling being Memo no. 237/OC/SMCA(LR)/SLG dated 02.11.2020. Further, it is strangeling to this Court that name of Jialal Das still subsists in the R.S.R.O.R. produced by the plaintiff although plaintiff's case is that his vendor Raj Kumar Subba and Babli Subba had purchased the suit property through a registered deed from one Rina Sarkar, wife of Paresch Chandra Sarkar. Nevertheless, the R.S.R.O.R. produced by the plaintiff and the R.S.R.O.R. produced by the defendants conjointly speak that the land which appertains to the R.S. Suit plot no. 52 and 53 is of the nature "rupni" (land to be used for cultivation). Having regard to these facts and circumstances and keeping in mind the letters and spirit of the provision of order 39 rule 1 of C.P.C., this Court for the sake of preservation of the suit property until final adjudication of the questions in controversy between the party, deems it necessary to dispose off the petition for temporary injunction in the manner as follows :

It is,

O R D E R E D

that, the petition dated 01.12.2020 u/o 39 rule 1 and 2 r/w Sec. 151 of C.P.C. be and the same is allowed on contest to the extent of promulgating a particular form of **status quo over the suit property whereby any act over the suit property by either of the parties to the suit is restricted till the final adjudication** of the suit which is incompatible to the nature and character of the suit plots including the suit property i.e. "rupni".

Issues are framed and recorded in a separate sheet, to be kept with the record.

Fix **12.04.2021** for filing of list of witnesses by the parties u/o 16 rule 1 of C.P.C.

D/c by me
Sd/-
Civil Judge (Jr. Division), Slg.
WB 01154

Sd/-
Civil Judge (Jr. Division), Slg.
WB 01154