

FIRST INFORMATION REPORT
(Under Section 154 Cr. P.C.)

457



1. Dist. Matigara PS. Matigara Year. 2021 FIR No. 207/2021 Date. 24.03.2021

2. i) Act. IPC Sections 447/188/506/34 Sections

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

3. (a) Occurrence of Offence : Day 24.03.2021 Date From 24.03.2021 Date To

Time Period Time From 09.00 hrs Time To

(b) Information received at P.S. Date 24.03.2021 Time 10.55 hrs

(c) General Diary Reference : Entry No(s) 1343 Time 10.55 hr.

4. Type of Information : Written / Oral

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

(b) Address Mouza - Rajparsi J.L. NO. 24 R/S Plot NO.

19, 22, 24 25 410 419 491 & 36. R/S Plot NO-19 36, 22 33 31/41

36 36/410 25 & 26.

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

6. Complainant / Informant :

(a) Name Md. Rejab Ali

(b) Father's / Husband's Name Abdul Majid

(c) Date / Year of Birth : (d) Nationality Indian

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

(f) Occupation

(g) Address Damragra P.O. Guhma P.S. Pradhan Nagar Dist. J.P.G.

7. Details of known / suspected / unknown accused with full particulars

(Attach separate sheet, if necessary) : 1) Sri Satya Mohan Roy 2) Ranjit Roy

3) Sanjoy Roy 4) Dhyanjay Roy all are S/O

of Lt Shibendra Nath Roy of Rajparsi Choto Dhukuni

Jote P.O. New Chanta P.S. Matigara Dist. Darjeeling

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 which is treated as FIR is enclosed here with.

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 Pema Dorjee Sherpa of N# to take up

investigation / refused investigation / transferred to P.S. Matigara P.S./S.P.O. 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 Noted in original complaint.

15. Date & Time of despatch to the court : 25.03.2021 at 11.00 hr

Signature of the Officer-in-Charge 24-3-21
Matigara Police Station
Name : T. S. Chakrabarti
Rank : No. SI of Police
Matigara P.S./S.P.O.

To,
The Officer-In-Charge,
Matigara Police Station
Matigara, District – Darjeeling.

Date :- 24/3/2021

Sub :- Written complain against **1. Sri Satya Mohan Roy 2. Sri Ranjit Roy 3. Sri Sanjay Roy 4. Sri Dhananjay Roy**, all are sons of late Shibendra Nath Roy resident of Rajpauri, Choto Dhukuria Jote, Post Office – New Chamta, Police Station – Matigara, District – Darjeeling and their associates who are violating the injunction order of the Ld. Court of Civil Judge (Senior) Division at Siliguri in respect of the below schedules area of land vide order dated 27/4/2018 in connection of a **T. S. (Partition) Suit No. 5/2017** and trying to capture said suit mentioned area of land. They have created huge disturbance into the following schedule of land for their illegal gain.

WJMG
DISE: 1020

Dear Sir,

I, Mohammad Rajab Ali son of Abdul Majid, resident of Damragram, Post office – Gulma, Police Station – Pradhan Nagar, District – Darjeeling beg to inform you the following facts for your kind consideration and immediate legal action.

That I am the constituted attorney of **Sri Loknath Chettri** son of late Dhan Bahadur Chettri, resident of Gurung Busty, Ward no. III of Siliguri Municipal Corporation, Post office and Police station – Pradhan Nagar, District – Darjeeling, Pin -734003 and **Smt Sarbari Sha** wife of Sri Bijay Kumar Sha resident of Salbari, Post Office – New Chamta, Police Station – Matigara, District – Darjeeling to look after their below “A” and “B” scheduled area of land by virtue of two separate special power of attorney dated 3/11/2014 and same was duly authenticated by the Notary Public at Siliguri on 3/11/2014.

That Sri Loknath Chettri is the absolute and exclusive owners in possession of an area measuring 225.31 decimal or equal to 2.2531 acre, under part of R. S. plot no. 19, 22, 24, 25, 410, 491 and 36, corresponding to L. R. plot no. 24, 26, 27, 28, 30, 33, 34, 35, 51, 52, 53 and 54 respectively, recorded in L. R. khatian no. 140, situated within mouza – Rajpauri, J. L. no. 24, Police Station – Matigara, District – Darjeeling by virtue of registered sale deed being no. I-589 dated 15/7/2013 registered before the office of the District Sub Registrar at Darjeeling, the details description of the aforesaid area of land is fully mentioned in the **scheduled “A”** here-in-below and said area of land is under the absolute possession of the said Sri Loknath Chettri on and

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from 15/7/2013 i.e. from the date of such purchase having permanent, heritable and transferable right, title and interest therein. Said Sri Loknath Chettri has been mutated his said purchased area of land from the office of the B. L. & L. R. O, Matigara at Shivmandir and recorded the same in his name in L. R. khatian no. 1442 of mouza – Rajpairi. Sri Loknath Chettri has purchased said area of land from the legal heirs of said late Shibendra Nath Roy namely 1. Smt Anita Roy @ Anika Roy, 2. Smt Sakuntala Roy 3. Smt Gita Roy @ Gita Barman by virtue of said numbered registered sale deed being no. I-589 dated 15/7/2013, said Smt Anita Roy @ Anika Roy, 2. Smt Sakuntala Roy 3. Smt Gita Roy @ Gita Barman were sold said area of land measuring 225.31 decimal or equal to 2.2531 acre to Sri Loknath Chettri as the legal heirs of late Shibendra Nath Roy.

That said Smt Sarbari Sha is the owner in possession of a piece of land measuring 100 (one hundred) decimal under part of R. S. plot no. 19, 36, 22, 23, 36/411, 36, 36/410, 25 and 26 corresponding to L. R. plot no. 24, 28, 30, 52, 53, 54, 51, 35 respectively, recorded in L. R. khatian no. 140, situated within mouza – Rajpairi, J. L. no. 24, Police Station – Matigara, District – Darjeeling by virtue of registered sale deed being no. I-497 dated 19/6/2013 registered before the office of the District Sub Registrar at Darjeeling and said deed executed on 19/7/2011 by Sri Dhananjay Roy son of late Shibendra Nath Roy resident of Khadagacham, Post Office – New Chamta, Police Station – Matigara, District – Darjeeling to and in favour of said Smt Sarbari Sha and presented the same for its registration on 19/7/2011 before the said registration office but said deed admitted on 19/6/2013 by the said registration office after payment of deficit stamp duty, the details description of the aforesaid area of land is fully mentioned in the schedule “B” here-in-below and said area of land is under the absolute possession of the said Smt Sarbari Sha on and from 19/7/2011 i.e. from the date of such purchase having permanent, heritable and transferable right, title and interest therein. Said Smt Sarbari Sha has been mutated her said purchased area of land from the office of the B. L. & L. R. O, Matigara at Shivmandir and recorded the same in her name in L. R. khatian no. 1375 of mouza – Rajpairi.

That Sri Loknath Chettri and Smt Sarbari Sah have filed a Civil Suit being T. S. (partition) Suit No. 5/2017 against **1. Sri Satya Mohan Roy 2. Sri Ranjit Roy 3. Sri Sanjay Roy 4. Sri Dhananjay Roy**, all are sons of late Shibendra Nath Roy resident of Rajpairi, Choto Dhukuria Jote, Post Office – New Chamta, Police Station – Matigara, District – Darjeeling and others before the Ld. Court of Civil Judge (Senior) Division at Siliguri and Ld. Court was pleased to pass the following order on the day of filing of the said suit.

“That both the parties are hereby directed to maintain status-quo in respect of nature and character of the schedule A and schedule B of the property as stands today till 20/2/2017”

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That aforesaid order of the Ld. Court has been extended time to time and lastly extended on 19/1/2021 till 5/5/2021. According to the spirit of the said order of the Ld. Court, no party of the said suit has right to do anything in the said suit mentioned area of land i.e. below "A" and "B" mentioned schedule area of land. Said persons have been appeared in the said suit and they have full knowledge about the said order of the Ld. Court but said persons namely **1. Sri Krishna Mohan Roy 2. Sri Satya Mohan Roy 3. Sri Ranjit Roy 4. Sri Sanjay Roy** and their associates are intentionally violated the said order of the Ld. Court from last few days and started construction as well as plotting into the below "A" and "B" scheduled mentioned area of land with an intention to capture the entire said suit mentioned area of land for their illegal gain. Said persons have been trying to create huge disturbance into the said land of Sri Loknath Chettri and Smt Sarbari Sha from last few days for their illegal gain and trying to evict us forcefully from the below "A" and "B" mentioned schedule area of land. Said persons trying to dump building materials i.e. sand, stone etc. in the said suit land for their wrongful gain.

That today at about 9 A. M. I came to know that said persons and their associates again are gathered in front of the said land of Sri Loknath Chettri and Smt Sarbari Sha with an intention to grab the same forcefully and after knowing such information, I went to the spot and found that said persons are started plotting and construction into the below schedules area of land and when I raised my voice then said persons including their associates are attacked me jointly with an intention to kill me but fortunately I save myself.

That said persons are ferocious and dangerous in nature and they have one and only intention to grab the said land of Sri Loknath Chettri and Smt Sarbari Sha forcibly for their illegal gain. The said persons are habituated to capture the land forcibly in that locality by using their money and muscle power and they have openly declared themselves as a law maker of that area. The said persons are threatened me by saying that they will kill me if I again came into the spot in near future and they have also told to me that they will capture the said land of Sri Loknath Chettri and Smt Sarbari Sah and nobody has power to stop them.

That said persons and their associates and intentionally violated said order of the Ld. Court with a clear intention to grab the land of Sri Loknath Chettri and Smt Sarbari Sah for their illegal gain.

SCHEDULE OF THE LAND
SCHEDULE - A

All that piece or parcel of land measuring 225.31 decimal or equal to 2.2531 acre, under part of R. S. plot no. 19, 22, 24, 25, 410, 491 and 36, corresponding to L. R. plot no. 24, 26, 27, 28, 30, 33, 34, 35, 51, 52, 53 and 54 respectively, recorded in L. R. khatian no. 140, situated within mouza Rajpairi, J. L. no. 24, Police Station - Matigara, District - Darjeeling.

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SCHEDULE - B

All that piece or parcel of land measuring 100 (one hundred) decimal under part of R. S. plot no. 19, 36, 22, 23, 36/411, 36, 36/410, 25 and 26 corresponding to L. R. plot no. 24, 28, 30, 52, 53, 54, 51, 35 respectively, recorded in L. R. khatian no. 1375, situated within mouza - Rajpairo, J. L. no. 24, Police Station - Matigara, District - Darjeeling.

Under the circumstances, it is a request before your goodself that please to restrain the said persons immediately to enter into the above mentioned schedules area of land so that the said order of the Ld. Court will be maintained rightly and properly and please to stop them to do anything into the said area of land otherwise said persons will take the law in their own hand and will grab the entire aforesaid area of land which is the subject matter of the said court case for their illegal and wrongful gain and please to take necessary legal steps against the said persons for their aforesaid illegal act and activities according to the provisions of Penal law for the ends of justice. It is further request to you that please to save the aforesaid area of land from the hands of the said miscreants for the sake of law and justice. Hope, you will do the needful after considering the facts as stated here-in-above for the interest of said order of the Ld. Court.

Thanking You

Yours faithfully

Md. Rajab Ali

Md. Rajab Ali
As the constituted attorney
of Smt Sarbari Sha.

*Received on 24/03/2021 at 10:55h.
Vvd. GDE NO 24/03/20 1342 DT
24/03/2021 and started Matigara
PS CASE NO 207/2021 DT 24/03/2021
WS 447/188/506/34 180 and endorsed
to ASI Pema Dorjee Sherpa of Matigara
PS/SPE for its investigation.*

AS
24-03-21
Officer In-Charge
Matigara Police Station
Siliguri Police Commissionerate