

(Under Section 154 Cr. P.C.)

1621

Dist: Jalpaiguri P.S. NJP Year 2022 FIR No. 1328/22 Date 21.12.22

2 i) Act IPC Sections 188/447/34 IPC ii) Act _____ Sections _____

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

3. (a) Occurrence of Offence : Day _____ Date From Since long Date To _____

Time Period _____ Time From _____ Time To _____

(b) Information received at P.S. Date 21.12.22 Time 14:15 hrs.

(c) General Diary Reference : Entry No(s) 965 Time 14:15 hrs.

4. Type of Information : _____ Written / Oral

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

(b) Address Mouza Dabgram, JL No. 3, Plot No. 137/1108, Khatian

NO. 814/3 P.S - NJP Dist - Jalpaiguri

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

6. Complainant / Informant :

(a) Name Santosh Kumar Agarwalla

(b) Father's / Husband's Name Mahabir Prasad Agarwalla

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

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

(f) Occupation _____

(g) Address Mukundo Das Road, Millanpally, P.O. Siliguri Bazar, P.S. Siliguri

Dist - Darjeeling

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

(Attach separate sheet, if necessary) : 1/ Madhabi Dhar vs. 2/ Bijoza Paul 3/ Lalita

Roy 4/ Usha Sinha and others.

8. Reasons for delay in reporting by the Complainant / Informant _____

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 Nil

12. FIR Contents (Attach separate sheets, if required) : The original written complt. which

is treated as F.I.R is reproduced overleaf.

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 S.I. Shib Shankar Das of NJP P.S. 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 On the original written complt.

of the Complainant / Informant _____

15. Date & Time of despatch to the court : _____

Signature of the Officer-in-Charge, Police Station

Name : PARTHA SARATHI DAS

Rank : No. S.I. OF POLICE

O/c NJP P.S / SPC

To,
The Officer-in-Charge,
NJP Police Station
District – Jalpaiguri

Date: 10.12.2022

Sub: Written complaint against gross violation of the orders of Ld. Civil Judge, Junior Division, 1st Court at Jalpaiguri and Ld. District Judge, Jalpaiguri.

Ref: T.S. No. 211 of 2014 (SANTOSH KUMAR AGARWALLA & ANR V. MADHABI DHAR & ORS.) pending before the Ld. Civil Judge, Junior Division, 1st Court at Jalpaiguri.

Respected Sir

I, **SANTOSH KUMAR AGARWALLA**, Son of Sri Mahabir Prasad Agarwalla, Resident of Mukundo Das Road, Millanpally, Siliguri, Post Office- Siliguri Bazar, Police Station-Siliguri, District- Darjeeling, West Bengal, Pin- 734005, would like to inform you the following facts :-

1. That I along with my brother, Shiv Kumar Agarwalla acquired a property at Mouza – Dabgram, morefully and particularly described in the schedule herein below.
2. That due to some disputes created by some local people, namely Smt. Madhabi Dhar, Smt Bijoya Paul, Smt Lalita Roy and Smt Usha Sinha and others we filed a suit against them for declaration, injunction and consequential reliefs along with an application, vide Title Suit No. 211 of 2014, before the Court of the Ld. Civil Judge, Junior Division, 1st Court at Jalpaiguri.
3. That as per the direction of the Hon'ble High Court at Calcutta, passed on 01.03.2017, the Ld. Court Civil Judge, Junior Division, 1st Court at Jalpaiguri passed an order on 15.07.2017, stating as follows:-

*“that the temporary injunction application made under order XXXIX Rule 1 and 2 read with section 151 CPC is hereby considered and allowed on contest.
Both the parties are directed to maintain status Quo in respect of the nature, character and possession over the suit land till the disposal of the suit.
Both the parties are restrained from creating any third party interest over the suit land or making any construction of permanent nature over the suit land till disposal of the suit.
No Durga Puja or any other celebration on the land in question may be undertaken by the defendants till disposal of the suit.”*

4. That further the Ld. District Judge, Jalpaiguri vide its order, dated 03.10.2018 also held that :

“In view of the order of the Hon'ble High Court, Calcutta passed in W.P. No. 4431 (W) of 2017 inter-alia, that defendants/ appellants are directed not to hold any Durga Puja or any other celebration in the suit land till disposal of the suit without the written consent of the

plaintiffs/respondents or without the order of the Ld. Civil Judge, Junior Division, Jalpaiguri where Title Suit No. 211/2014 (3216/2014) is pending."

5. That taking the advantage of our absence the defendants of the abovementioned title suit have constructed a small temple like structure and placed an idol over the suit premises violating the order of the Ld. Court just to show their possession and to frustrate the basic nature and character of the present suit.
6. That today, when I went to visit my land I became astonished to see that again the defendants are trying to change the nature and character of the below scheduled land inspite of the specific order of the Ld. Court, which is a sheer violation of the order of the Ld. Court Civil Judge, Junior Division, 1st Court at Jalpaiguri. They are constructing a road and using the suit premises as parking zone.
7. That defendants are violating the order of the Ld. Court from one pretext to another without any fear from taking law in their hand and for which several complaints has also been lodged by me.
8. It is to be mentioned here that inspite of the specific order of the Ld. Court Civil Judge, Junior Division, 1st Court at Jalpaiguri, the above named defendants are continuously violating the order of the Ld. Court periodically, sometimes by constructing pandals for "Durga Puja" or by constructing temple and this time also they have shown their tremendous arrogance and ignorance to the Law of Land as well as Court of law by constructing a road and violating the order of the Ld. Court.
9. That it seems that the accused person is least bother to abide by the order of the Honorable Court. They do not fear from taking law in their own hands.

Therefore, you are requested to look after the matter and further to take immediate and necessary action as required.

Thanking you.

Received on 21.12.22 at 14:15 hrs.
vide GID No. 965 dt. 21.12.22
and started NTP PS case NO. 1328/22
dt. 21.12.22 U/S-188/447/34 IPC and
endorsed S.I. Shib Shankar Das of
NTP PS for its investigation.

Yours Sincerely,

Santosh Kumar Agarwalla
(Santosh Kumar Agarwalla)

Page 2 of 3

21/12/22
Officer-In-Charge
New Jalpaiguri Police Station
Siliguri Metropolitan Police