

Dated: 10-02-2021

To
The Inspector-in-Charge,
P/S. Bhaktinagar,
Siliguri Metropolitan Police,
District Jalpaiguri-734001.

Received on 11/02/2021, at 12.15 hr. vide
CDT No 611 dt 11/02/2021, and started
Blon P3 case No 143/21 dt 11/02/2021, vide
447/12013 IPC and endorsed to SI
Ramanath Karjee for IST investigation.

[Signature]
11/02/2021.

SUB: ILLEGAL CONSTRUCTION AT MY DECREED LAND.

Sir,

With due respect, I, Rajesh Agarwal, S/O. Sri Bhagirath Agarwal, residing at Tarachand Sadan, 2nd Mile, Sevoke Road, P/O. Sevoke Road, P/S. Bhaktinagar, District Jalpaiguri-734001 would like to state as follows:-

That one Tarachand Agarwal (since deceased), the father of Sri Bhagirath Agarwal (this petitioner) was the recorded owner of the land measuring about 0.70 acres, comprised in R.S. Khatian No. 315, more particularly described in the schedule hereunder along with three other co-sharers. The Xerox copy of the R.S. Khatian No. 315 is annexed hereto for your ready reference.

That Sri Bhagirath Agarwal, S/O. Late Tarachand Agarwal became absolute owner of the below schedule land by virtue of Deed of Partial Partition of 28-07-1975 (Xerox copy enclosed) duly executed in the office of the Registrar of Assurance, Calcutta and also by virtue of a decree passed in the Title Suit No. 17/2007 (Bhagirath Agarwal -vs- Ajay Kumar Jain & Others) in the court of the Ld. Civil Judge (Junior Division). The Xerox copy of the Plaint & Decree is enclosed herewith.

That the erstwhile proprietor of Ila Saw Mill viz. Shymlesh Ghosh (since deceased) had encroached upon the below schedule land situated at Paresh Nagar, (Behind Anandlok Nursing Home, Near Mini Market) in the year 1975, as a result the father of this complainant had to institute a Title Suit No. 35/1975 (Tarachand Agarwal -vs- Shymlesh Ghosh & Ors.) in the court of the then Ld. Munsif, Jalpaiguri (now designated as Civil Judge, Junior Division, Jalpaiguri) and subsequently the said title suit was decreed in favour of the Plaintiff on 06-06-1986. The Xerox copy of the said decree is being annexed hereto for your ready reference.

That thereafter said decree was put for execution in the court of the Ld. Civil Judge (Junior Division), Jalpaiguri being case No. O.C. (Ex.) 09/1999 and finally on 21-06-2006 the Nazir of the District Judge's Court, Jalpaiguri delivered the possession of the below schedule land to this complainant.

That thereafter against the said execution (09/1999) the present proprietor of Ila Saw Mill i.e. Swaraj Ghosh had preferred a civil Revision being No. 13,2006 (Swaraj Ghosh -vs- Dankha Devi Agarwal & Ors.) in the court of the Ld. District Judge, Jalpaiguri and the said application was dismissed on merit on 09-07-2009 (Xerox copy enclosed).

That thereafter the said Swaraj Ghosh preferred a Civil Order No. 3319/2009 in the Hon'ble High Court, Kolkata but the said application was dismissed for default by an order dated 18-05-2016 passed by His Lordship the Hon'ble Justice Shivkant Prasad. That again on 05-02-2018 the said Swaraj Ghosh preferred an application No. CAN.1135 of 2018 (Xerox copy enclosed) for restoration upon recalling the order dated 18-05-2016 passed by His Lordship the Hon'ble Justice Shivkant Prasad in C.O. No. 3319/2009.

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

846



1. Dist. SPC P.S. Bhaktinagar Year 2021 FIR No. 143/21 Date 11/02/2021

2. (i) Act. _____ Sections _____ (ii) Act. SPC Sections 447/120B

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

3. (a) Occurrence of Offence : Day Tuesday Date From 2014 Date To 09/02/2021

Time Period _____ Time From _____ Time To _____

(b) Information received at P.S. Date 11/02/2021 Time 12.15 hr

(c) General Diary Reference : Entry No(s) 611 Time 12.15 hr

4. Type of Information : _____ Written / Oral

5. Place of Occurrence : (a) Direction and Distance from P.S. 2 km east Beat No. _____

(b) Address Khatan NO 315; RS Plot NO 417, Sheet NO 08, TL NO 02,

Touzi 03, mouza Dabgum, Pargana, Balun Naps, PS Bhaktinagar, DPH.

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

6. Complainant / Informant : (a) Name Rajesh Agrawal

(b) Father's / Husband's Name S/O Sri Bhagisath Agrawal

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

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

(f) Occupation _____

(g) Address Tarachand Sedar, 7n mile Sevoke Road, PS Bhaktinagar, DPH.

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

① Swamy Ghosh S/O Lt Atindra Chandra Ghosh, Proprietor of 11a Saw Mill, Near Mini Market and his son Dev Roy Ghosh both of 49, Balai Das Chatterjee Road, P.O. & PS Siliguri, 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 of the complainant which is treated as FIR is enclosed herewith / 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 SI. RAMANATH KARJEE 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 Not in original complaint

Inspector-in-Charge
Bhaktinagar Police Station
Signature of the Officer-in-Charge, Police Station
DAWA TSHERING SHERPA

15. Date & Time of despatch to the court : _____ Rank : No. SI OF POLICE
BKN PS / SPC

That in the month of March, 2010 the said Swaraj Swaraj Ghosh had encroach upon the below schedule land and a complaint (Xerox copy enclosed) to this effect was lodged with Police Station Bhaktinagar on 12-03-2010, as a result he was booked for criminal trespass and subsequently he got the bail in the matter. Thereafter again in the month of July, 2014 and July, 2018 he encroached upon the below schedule land and complaints were lodged with the police (Xerox copy enclosed).

That recently on 09-02-2021 Swaraj Ghosh, S/O. Late Atindra Chandra Ghosh, Proprietor of Ila Saw Mill, Near Mini Market and his son Dev Raj Ghosh both residing at 49, Balai Das Chatterjee Road, P/O. & P/S. Siliguri, District Darjeeling-734 223 have encroached upon the land measuring about 0.396 acres (out of 0.70 acres) equivalent to 24 Kathas by raising/erecting about 12 (Twelve) RRC pillars thereon.

That the said alleged persons have once again encroached upon the below schedule land, If they are not restrained and/or stopped to continue the illegal construction work, the purpose of the court's decree will be defeated. There are sufficient evidences on record which will prove that the alleged persons do not have the respect for the decree passed by the Ld. Court and their attempts at regular intervals have made our life miserable.

I, therefore, request your honour to take cognizance on my complaint and take prompt legal action against the accused so, that the sanctity of the court's order is honoured/protected & oblige.

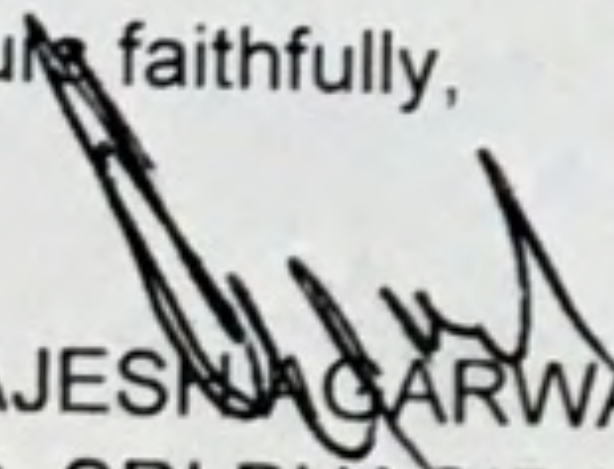
SCHEDULE

(Description of the property)

ALL THAT piece and parcel of land measuring about 0.70 acres, comprised in R.S.Khatian 315, appertaining to R.S.Plot No.417, Sheet No.08, J.L. No.02, Touzi No.03, Mouza-Dabgram, Pargana-Baikunthapur, P/S.Bhaktinagar, District Jalpaiguri.

Thanking you,

Yours faithfully,


(RAJESH AGARWAL)
S/O. SRI BHAGIRATH AGARWAL
MOB: 9830040637.

On behalf of Bhagirath Agarwal

Encls. As above.

CC To:
The Commissioner of Police,
Siliguri Metropolitan Police,
Mallaguri, P/O. Pradhan Nagar,
Siliguri-734 003.

.....for information and necessary action please.....