



P.S. Matigara Year 2023 FIR No 461/2023 Date 13/06/2023

Sections 427/188/34 ii) Act \_\_\_\_\_ Sections \_\_\_\_\_

Sections \_\_\_\_\_ (iv) Others Acts & Sections \_\_\_\_\_

3. (a) Occurrence of Offence : Day \_\_\_\_\_ Date From 11/06/2023 Date To 11/06/2023

Time Period \_\_\_\_\_ Time From 10:00 hrs Time To \_\_\_\_\_

(b) Information received at P.S. Date 13/06/2023 Time 00:10 hrs.

(c) General Diary Reference : Entry No(s) 756 Time 00:10 hrs

4. Type of Information : Written Written / Oral \_\_\_\_\_

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

(b) Address Mauza Banoghoria, PS- Matigara, Dist- Darjeeling.

(c) In case outside limit of this Police Station, then the N/A

Name of the P.S. \_\_\_\_\_ District \_\_\_\_\_

6. Complainant / Informant :

(a) Name Sri Subhaneel Kundu

(b) Father's / Husband's Name Sri Soumitra Kundu.

(c) Date / Year of Birth \_\_\_\_\_ (d) Nationality Indian.

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

(f) Occupation \_\_\_\_\_

(g) Address Penitanki More, Seroke Road, PS- <sup>Siliguri</sup> Matigara, Dist- Darjeeling.

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

(Attach separate sheet, if necessary) :

① Sadhu Toppe, ② Bima Toppe, ③ Dilip Seth ④ A. Raja & others.

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

1

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

1

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 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 PSI Avijit Barik 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 Noted in original Complaint of the Complainant / Informant

Signature of the Officer in Charge, Police Station  
Matigara Police Station  
Siliguri Police Commissionerate  
Name : BIPUL TALUKDAR  
Rank : SI of POLICE, MTO PS, SPC.

15. Date & Time of despatch to the court : On 14/06/23 at 11:00 hrs.

To,  
Inspector- in Charge  
Matigara Police Station  
Matigara, Dist-Darjeeling

Date: 11/06/2023

Received on 13/06/2023 at 00110 Rana Nida  
MTG PS GDE No-752 Dt-13/06/2023 &  
Standard MTG PS case No-621/2023  
Dt-13/06/2023 v/s- 447/180/34 JCC & evidenc-  
ed to PSI Anjit Barik for his  
investigation.

Sub- F.I.R

Sir,

I Sri. Subhraneel Kundu Son of Sri Saumitra Kundu, resident of Panitanki Mora, Siliguri, P.S. Siliguri, District- Darjeeling, being one of the surviving legal heirs of Sushil Kumar Bose( now deceased) and being one of the co-owners of land measuring 0.61 Acre appertaining to R.S. Plot No.187 Corresponding to L.R Plot No. 297 and 299 recorded in R.S. Khtian No. 7/12 under Mouja- Baraghorla J.L. No. 82, P.S. Matigara, District- Darjeeling, have filed a Title suit against one Smt. Bima Toppo wife of Sri. Dilip Seth resident of Dhukuria, P.O. New Chamta, P.S. Matigara, District- Darjeeling, PIN-734001 and Sri Sadhu Toppo son of Late Sanicharwa Toppo( Oraon) resident of Nivedita Road, Pradhan Nagar, Siliguri P.O. and P.S. Pradhan Nagar, District- Darjeeling, PIN-734003, as they have fraudulently prepared a false Deed with respect to our aforesaid land and are disturbing our peaceful physical possession over the said land. In the said suit we have also filed an application praying for injunction against said Sadhu Toppo and Bima Toppo and the Ld. Civil Judge Junior Division at Siliguri on 14.03.2023 granted injunction restraining said Sadhu Toppo and Bima Toppo from disturbing our peaceful physical possession and from creating any third-party interest with respect to the suit property and the said injunction order is extended till 15.09.2023, by the Ld. Court in its order dated 05.06.2023.

It is pertinent to mention here in this regard that the Hon'ble High Court at Calcutta has also granted Status Quo in order dated 05.09.2018, with regard to the above referred suit land along with other plots, subsequently Hon'ble Land Reforms and Tenancy Tribunal modified its order dated 11.07.2018 on 19.06.2019 and directed to maintain status quo as regard to the nature, character and users of the land in question. Again on 14.11.2022 Hon'ble Land Reforms and Tenancy Tribunal extended interim order till 21.09.2023 and fixed for final hearing.

Considering the repeated attempts of said Sadhu Toppo and Bima Toppo and their men and persons for disturbing our peaceful physical possession we recently engaged a caretaker for looking after the suit property and we erected a temporary bamboo structure in the suit property for such care taker after the grant of injunction by the Ld. Court. But due to tremendous threats given by the above said persons the caretaker left the job and the temporary bamboo structure is lying vacant.

Today, at about 12 PM I came to know from my well wishers in that area, that said Sadhu Toppo, Bima Toppo and her husband namely Dilip Seth, resident of Dukuria near Surendra Institute of Engineering and Management, P.S. Matigara, along with one A. Raja and his men and agents entered into the suit property and started digging the suit land with the help of JCB to raise construction in the said land, violating the order of injunction passed by the Ld.

Subhraneel Kundu.

Comid... P/2.

10.00 PM  
17/06/2023

Civil Judge Junior Division at Siliguri. As I reached the spot, I found that my land was already digged with JCB and all the above persons fled from the suit property before I reach there. Thereafter, I entered into my land and found that the land was digged, but the temporary bamboo structure was intact. Such action of said Sadhu Toppo and Bima Toppo is complete violation of the order of the Ld. Court and they are liable to be prosecuted under the penal provisions of law.

Under the aforementioned circumstances I therefore having no other alternative beg to file this complaint before you to take necessary action against said Sadhu Toppo and Bima Toppo and their men and agents and insure that the orders of Hon'ble Courts are not violated and the nature and character of our land is not changed. Your early action in this regard is Highly Solicitated.

Thanking You,

Yours faithfully  
*Subhraneel Kundu*  
Sri. Subhraneel Kundu

Enclsure:

1. Deed No. 1960 of 1953.
2. Judgement in Misc. Case No.10 dated 14.12.1967.
3. R.S. Khatian No.07/12 and 7/13.
4. Land Revenue receipts.
5. Status report dated 06.02.2018 submitted by B.L & L.R.O, Matigara before LRTT.
6. Order dated 05.09.2018 passed by Hon'ble High Court at Calcutta
7. Order dated 19.06.19 and 14.11.2022 passed by LRTT.
8. Order dated 14. 03.203 and 05.06.2023 passed by Ld. Civil Judge Junior Division at Siliguri.