

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

2136



P.S. Bhaktinagar Year 2023 FIR No. 631/23 Date 26/7/2023

Sections 447/188/506/34 Act Sections 5

Sections - iv) Others Acts & Sections - Date From Since Last week of June, Date To -

Time Period Time From Not mentioned Time To - (b) Information received at P.S. Date 26/7/2023 Time 00.05 hrs

(c) General Diary Reference : Entry No (s) 2408 Time 00.05 hrs Written / Oral

4. Type of Information Beat No.

5. Place of Occurrence : (a) Direction and Distance from P.S. (b) Address Land measuring 0.3146 acres forming part of RS Plot No-148 & 150/440 corresponding to LR Plot No-8 of Sheet No-9 (RS) 53 (LR) LR Khatam No- 160, 166, 167, 168, 174 & 159, mouza-Dabgram, Pargana-Baikundla, PS-Bhaktinagar, Dist-Jalpaiguri.

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

6. Complainant / Informant :

(a) Name Sri Ashok Kr. Goyal

(b) Father's / Husband's Name Lt. Prayagchand Goyal

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

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

(f) Occupation (g) Address Punjabi Para, Ward No-13, PS-Siliguri, Dist-Jalpaiguri

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

(Attach separate sheet, if necessary) 1) Pradi P Kr. Agarwal S/O - Lt. Gajendra Agarwal of Shanti Niwas, Shivaji Road, Khatpara, PS-Siliguri, Dist-Jalpaiguri, 2) Raj Kumar Sharma S/O - Lt. Shiv Ratan Sharma of Milampally, Ward No-26, PS-Siliguri, Dist-Darjeeling.

3) Smt. Sumitra Goyal w/o - Lt. Ladhuram Goyal of Birpara Tea Estate Khas, Birpara T.G, PS-Birpara, Dist-Alipour, 4) Bikash Goyal S/O - Lt. Ladhuram

8. Reasons for delay in reporting by the Complainant / Information Goyal, c/o - K.V Tiles, Anelal Road, Don Base o more, PS-Bhaktinagar, Dist-Jalpaiguri.

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) : Complainant, which is treated as F.I.R. is enclosed herewith. The original written complaint of the

13. Action Taken : Since the above report reveals commission of offence(s) as mentioned at item No. 2., Regd. the case for the investigation / directed SI Sandip Kr. Saha Siliguri Police Commission

investigation / refused investigation / transferred to P.S. on point of jurisdiction. FIR read over to the Complaint / 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

DR No. 3512 Date 27/7/23 Bhaktinagar Police Station SPC

Inspector-In-charge Signature of the Officer in-charge, Police Station Siliguri Police Commission Name: Anil Kishore Singh Rank : No. 1/c, Bhaktinagar PS.

15. Date & Time of despatch to the court :

Date 25.07.2023.

To,
The Inspector-in-Charge,
Bhaktinagar Police Station.
Siliguri, District- Jalpaiguri

Sub → complaint Against violation of status quo order

Sir

I, the undersigned do hereby lodge the following complaint against **1. Sri Pradip Kumar Agarwal**, son of late Gaja Nand Agarwal, resident of Shanti Niwas, Shivaji Road, Khalpara, Post Office and Police Station – Siliguri, District – Darjeeling, PIN – 734101. **2. Sri Raj Kumar Sharma**, son of late Shiw Ratan Sharma, resident of Milanpally, Ward No. 26, Post Office – Siliguri Bazar, Police Station – Siliguri, District – Darjeeling, PIN – 734005. **3. Smt. Sumitra Goyal**, wife of late Ladhuram Goyal, resident of Birpara Tea Estate Khas, Birpara Tea Garden, Post Office and Police Station – Birpara, District – Alipurduar, PIN – 735204. **4. Sri Bikash Goyal**, son of late Ladhuram Goyal, resident of C/o. K.V. Tiles, Anchal Road, Don Bosco More, Post office and Police Station – Bhaktinagar, District – Jalpaiguri, PIN – 734007 on the following factual matrix and seek your immediate intervention into the matter.

Pertinent to mention herein that we Sri Amit Kedia, Sri Pradip Kumar Agarwal, Sri Rajendra Kumar Agarwal, Sri Mahendra Kumar Agarwal, Sr. Kishan Lal Agarwal, Sri Ratan Lal Agarwal, all are the recorded owners of the schedule of land as written hereunder:

All that piece or parcel of land measuring 0.3146 acres appertaining to and forming part of RS Plot No. 148 & 150/440 corresponding to LR Plot No. 8 of Sheet No. 9 (RS) 53 (LR), recorded in RS Khatian No. 136/1 & 143 corresponding to LR Khatian No. 160, 166, 167, 168, 174 & 159 within Mouza Dabgram, Pargana Baikunthapur, Police Station Bhaktinagar, District – Jalpaiguri.

Akshay Kumar Das

The aforesaid land is butted and bounded as follows:

By the North – Land of Saha Babu (Dulal Saha) & Sold land of Tikendra Nath Roy

By the South – 6 feet wide Road

By the East – 60 feet wide Eastern Bypass Road

By the West – 9 feet 6-Inch-wide Road.

We have instituted a Title Suit No. 65 of 2022 before the learned Civil Judge (Senior Division) at Jalpaiguri for declaration, eviction, recovery of khas possession, injunction and other consequential reliefs. Pradip Kumar Agarwal, Raj Kumar Sharma, Sumitra Goyal and Bikash Goyal are arrayed as the defendants in the said suit. They are contesting the said suit by filing the written statement.

On contest, the learned Civil Judge (Senior Division), Jalpaiguri passed an order of injunction on 16.08.2022 in Title Suit No. 65 of 2022 directing both the plaintiffs and the defendants to maintain status quo in respect of nature, character and possession and in respect of alienation of the suit property as on the date of passing the said order i.e., on 16.08.2022 till disposal of the suit. A copy of the said order dated 16.08.2022 in Title Suit No. 65 of 2022 is enclosed herewith.

Pradip Kumar Agarwal, Raj Kumar Sharma, Sumitra Goyal and Bikash Goyal have never challenged the validity of the aforesaid order of injunction dated 16.08.2022, but one PRM Real Estate Pvt. Ltd. who claimed themselves as the developer tried to vacate the said order of injunction by filing appeal being FMAT No. 13 of 2022 before the Hon'ble High Court, Circuit Bench at Jalpaiguri. The Hon'ble High Court by an order dated 16.09.2022 rejected the appeal. Moreover, PRM Real Estate Pvt. Ltd. was added as the defendant in the said suit no. 65 of 2022, but same was also set aside by the Hon'ble High Court by an order dated

Arjun Kumar Goyal

07.06.2023 in C.O. No. 27 of 2023. A copy of the order dated 07.06.2023 is enclosed herewith.

Hence at present the order of injunction dated 16.08.2022 passed in Title Suit No. 65 of 2022 directing both the plaintiffs and the defendants to maintain status quo in respect of nature, character, and possession and in respect of alienation of the suit property is subsisting.

Despite such subsistence of injunction order, it has been found that since the last week of June the construction of the building on the aforesaid schedule of the land is being carried out by Pradip Kumar Agarwal, Raj Kumar Sharma, Sumitra Goyal and Bikash Goyal. We served legal notices dated 10.07.2023 upon them but they did not stop their illegal activities. On 12.07.2023 and on 15.07.2023 the illegal construction was stopped by the intervention of authority but regrettably they against started their construction as soon as the police authorities left the spot. When we tried to stop them 20.07.2023 from making construction on the suit property they threatened us with dire consequences and asked not to interfere with them as they are very influential and powerful.

Sir, they have no right to erect the buildings on the said schedule of land in terms of the order of injunction dated 16.08.2022. The construction that is being carried on at present by them is illegal and unauthorized since no construction can be carried out on the said plot of land, in view of subsistence of the order of injunction as indicated hereinabove.

Be it mentioned herein that on 21.07.2023 a complaint regarding such violation of order of injunction was lodged before the Commissioner of Police, Siliguri Police Commissionerate and another complaint dated 22.07.2023 was lodged before your esteemed authority. But unfortunately, despite lodging such complaint no action has yet been taken to stop such

Allex Kumar Goyal.

violation of the order of injunction. However conversely the inaction on your part has bolstered the confidence of Pradip Kumar Agarwal, Raj Kumar Sharma, Sumitra Goyal and Bikash Goyal to carry on with the ongoing construction at the suit property thereby showing their arrogance towards the law.

In the above facts and circumstance your esteemed is hereby requested to immediately intervene into the matter and take appropriate and effective steps to stop the illegal construction carried out in blatant violation of the order of injunction dated 16.08.2022 by Pradip Kumar Agarwal, Raj Kumar Sharma, Sumitra Goyal and Bikash Goyal. Please take further steps to immediately seal the suit premises so that there no further breach of order of injunction (status quo) and initiate criminal proceedings against them under Sections 188, 447 and 506 of the Indian Penal Code.

This is for your information and taking necessary steps.

Thanking you,

Ashok Kumar Goyal.

Ashok Kumar Goyal
(Constituted Attorney)
9434046174

S/O → Late Prayagchand Goyal.

Encl: As above.

*Punjabikara, Sevoke Road, Siliguri → 734001.
Ward No. 13, P.S. → Siliguri Dist → Darjeeling.*

Phone numbers of accused persons.

Bikash Goyal- 9434145709

Raj Kumar Sharma- 9434731963

*Received on 26/7/23 at 00.05hr,
vide B/W PS SDE NO-2408 and started
Bhaktinagar PS case no - 631/23 date
26/7/23 u/s-447/188/506/34 IPC.
SI Sandip kr. Saha will investigate
the case.*

[Signature]
Inspector-in-Charge
Bhaktinagar Police Station
Siliguri Police Commissionerate