

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

059



P.S. Bhaktinagar Year 2023 FIR No. 704/23 Date 13/8/2023

Sections 3 (f), (r), (g), (u) of the S.C & ST (POA) Act, 1989.
Sections — i) Act — Sections —
Sections — iv) Others Acts & Sections —

3. (a) Occurrence of offence : Day — Date From in the year 1989 Date To 02/07/2023

Time Period — Time From not mentioned Time To —

(b) Information received at P.S. Date 13/8/2023 Time 12.05 hrs.

(c) General Diary Reference : Entry No (s) 647 Time 12.05 hrs.

4. Type of Information — Written / Oral —

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

(b) Address Khatian no (CS) 550, 554, Plot nos (RS) - 83, 84 & 85, 86, total area 10.09 acres.

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

6. Complainant / Informant :

(a) Name Sri. Sabul Panne

(b) Father's / Husband's Name Sri. Madira Oraon (Panne)

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

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

(f) Occupation —

(g) Address Jadubitar Chat, Milan More, PO - Champasari, PS - Pradham Nagar, Dist - Darjeeling.

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

(Attach separate sheet, if necessary) : ① Sri Dilip Agarwal and ② Dinesh Agarwal, both Directors of M/s - Green Wood Constructions, residing at Sunny Tower, Sevoke Road, PO - 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 complain of the Complainant which is treated as F.I.R is enclosed here with.

Inspector-In-Charge
Bhaktinagar Police Station
Siliguri Police Commissionerate
[Signature]
13/8/23

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 As per order of Superior, Sri Narendra Kalsotay, ACP, SB, SFC 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.

DR No. 3806 Date 14/8/23
Bhaktinagar Police Station
SFC

14. Signature / Thumb impression of the Complainant / Informant
[Signature]

Signature of the Officer-in-Charge, Police Station
Name : Sri. Animesh Singh
Rank : No. 1/c, Bhaktinagar Ps.

15. Date & Time of despatch to the court :

To
The Inspector-in-Charge
Bhaktinagar Police Station
Sevoke Road, Siliguri
Dist. Jalpaiguri

12.08.2023
Date: ~~07/08/2023~~ Sabulal Panna.

Sub: FIR under Sec. 3 (f), (g) and (u) of the Scheduled Caste and The Scheduled Tribes (Prevention of Atrocities) Act, 1989

Respected Sir,

Most humbly and respectfully I, SRI SABULAL PANNA, S/o Sri Madira Oraon (Panna), do hereby state I am Schedule Tribe by cast and I and my other family members have inherited landed property of our grandmother Tunia Oraon (now deceased). That said Tunia Oraon was recorded owner of land measuring 10.09 Acres situated within Mouza Dabgram Pargana Baikunthapur recorded in R.S. Khatian Nos. 550 and 554, Sheet No. 08 (Old), appertaining to following Plot Numbers:-

Khatian Nos (CS)	Plot Nos. (RS)	Area (Acres)
550	83	4.59
	84	0.22
	Total	4.79 (A)
554	85	2.35
	86	2.95
	Total	5.30 (B)
TOTAL – (A) + (B)		10.09

Both the Khatians were subsequently merged into R.S. Khatian No. 441 in the name of Tunia Oraon. **(Khatian No. 550 and 554 (C.S.) and 441 (R.S.) enclosed herewith and marked as Annexure – A)**

That Tunia Oraon died intestate on 1976 leaving behind him his two sons and three daughters. Thereafter all of them died intestate and at present the aforesaid landed properties have got devolved upon 14 (Fourteen) legal heirs. **(The family tree of Tunia Oraon is enclosed herewith and marked as Annexure – B)**

That Sri Shyam Sundar Agarwala and three others purchased the aforesaid land measuring 10.09 Acres from our only two cousin brothers Tenta Rao (Originally Oraon) and Thuta Rao (Originally Oraon) by virtue of registered Title Deed being No. 6134 for the year 1962 registered in the office of Dist. Sub-Registrar Jalpaiguri transcribed in Volume No. 69 at pages 53 to 55 for the year 1962.

The rest of the legal heirs of Tunia Oraon did not sell their shares by virtue of the Title Deed being No. 6134 for the year 1962.

(Deed No. 6134 of 1962 enclosed herewith and marked as Annexure – C)

That the above deed was registered by suppressing material facts that both the vendors i.e. Tenta Rao (Originally Oraon) and Thuta Rao (Originally Oraon) both sons of Late Bihanu Oraon are Schedule Tribe by caste and their rights over their land is statutorily protected under Old Sec. 13 and thereafter under Chapter – II A of the WBLR Act. 1955. Intentionally for the illegal gain of the purchasers they have manipulated the Title Deed and mentioned the surname of both the vendors as 'RAO' in place of correct surname 'ORAON'. This is a willful illegal and immoral act that calls for appropriate legal action against them.

That under the aforesaid Khatian No. 550 and 554 total land measuring 10.09 Acres stands recorded in the name of Late Tunia Oraon wife of Bihanu Oraon who is the mother of the Vendors. From the noting in the aforesaid ROR it is clear that the Vendors Tenta Rao and Thuta Rao are originally 'Oraon' and are tribal therefore without proper permission from the appropriate authority their land cannot be transferred to any non-tribal persons. It is also important to mention here that aforesaid land was illegally transferred by only two legal heirs of Tunia Oraon and other were not informed about said transfer.

That in the year 1989 aforesaid purchasers of purported Title Deed No. 6134 of 1962 sold land measuring 5.034 Acres out of their aforesaid purchase to and in favour of M/s Green Wood Construction by virtue of the following Deeds. It is also very relevant to state that in all following Deeds the surname of the owners mentioned as 'ORAON': -

S. No.	Deed No.	Year	Registering Office	Vendor	Purchaser	Area Acre
1	711	1989	DSR Jalpaiguri	1. Sri Shyam Sundar Agarwala 2. Sri Surajmal Agarwala 3. Sri Radheshyam Agarwala(<i>represented by his constituted attorney Sri Pravin Agarwala</i>) 4. Sri Rameshwar Pandey	M/s Green Wood Construction	0.336
	712	1989	DSR Jalpaiguri	1. Sri Shyam Sundar Agarwala 2. Sri Surajmal Agarwala	M/s Green Wood Construction	0.306

2				3. Sri Radheshyam Agarwala 4. Sri Rameshwar Pandey <i>(all represented by their constituted attorney Sri Pravin Agarwala)</i>		
3	713	1989	DSR Jalpaiguri	1. Sri Shyam Sundar Agarwala 2. Sri Surajmal Agarwala 3. Sri Radheshyam Agarwala <i>(represented by his constituted attorney Sri Pravin Agarwala)</i> 4. Sri Rameshwar Pandey	M/s Green Wood Construction	0.33
4	714	1989	DSR Jalpaiguri	1. Sri Shyam Sundar Agarwala 2. Sri Surajmal Agarwala 3. Sri Radheshyam Agarwala <i>(represented by his constituted attorney Sri Pravin Agarwala)</i> 4. Sri Rameshwar Pandey	M/s Green Wood Construction	0.354
5	2058	1989	DSR Jalpaiguri	1. Sri Shyam Sundar Agarwala 2. Sri Surajmal Agarwala 3. Sri Radheshyam Agarwala 4. Sri Rameshwar Pandey	M/s Green Wood Construction	0.33
6	2059	1989	DSR Jalpaiguri	- Do -	M/s Green Wood Construction	0.33
7	2060	1989	DSR Jalpaiguri	1. Sri Shyam Sundar Agarwala 2. Sri Surajmal Agarwala 3. Sri Radheshyam Agarwala 4. Sri Rameshwar Pandey	M/s Green Wood Construction	0.33
8	2061	1989	DSR Jalpaiguri	- Do -	M/s Green Wood Construction	0.33
9	4409	1989	DSR Jalpaiguri	- Do -	M/s Green Wood Construction	0.467
10	4410	1989	DSR Jalpaiguri	- Do -	M/s Green Wood Construction	0.467
11	4411	1989	DSR Jalpaiguri	- Do -	M/s Green Wood Construction	0.467

12	4412	1989	DSR Jalpaiguri	- Do -	M/s Green Wood Construction	0.52
13	4413	1989	DSR Jalpaiguri	- Do -	M/s Green Wood Construction	0.467

(Above 13 Nos. Deeds enclosed herewith and marked as Annexure – D)

That the aforesaid 6134 of 1962 is void ab initio as because it is in absolute contravention of the provisions of Old Sec. 13 of WBLR Act.1955 and thereafter after amendment Chapter-II A of the WBLR Act.1955 hence the purchasers under the said deed did not acquire any right title and interest in and over the said 10.09 Acres of land hence the purchase of 5.034 Acres of land by M/s Green Wood Construction is also bad in law.

That M/s Green Wood Constructions was also illegally granted mutation in their name by the then B.L. and L.R.O. Rajganj Sri. Rupak Bhawal without following the provisions of law and Rules applicable for granting mutation. The LUCC provided by SJDA is also illegal and is liable to be cancelled. I and my other family members keep visiting our aforesaid land and stay there. We also cultivated vegetables in a portion of the said land. At times we had few cows there and we used to sell milk on a regular basis. since few months the directors of M/s Green Wood Constructions **SRI. DILIP AGARWAL** and **SRI. DINESH AGARWAL** both residing at **SUNNY Tower, Sevoke Road, P.O. Siliguri, Dist. Darjeeling** have unlawfully restraining us to enter into our land. Although they never became successful in ousting us from our land as because the local persons are in our favour and they always inform us about the activities of Sri. Dilip Agarwal and his men and persons. It is very relevant to submit that on every such occasion during confrontation and lastly on 02.07.2023 said Sri. **Dilip Agarwal** and Sri. **Dinesh Agarwal** and their men and persons standing in our land abused us in presence of many persons and uttered that we are of tribal caste and that we are illiterate and that we have no right on the said land. Sri. Dilip Agarwal and his brother Sri. Dinesh Agarwal also said that **“Nichajat ka ho tum log. Tum ate ho chorikarne k lea. Tum log kuchnehi karsakte ho. Nichajat ka log eisahihotehai. Dobara Aoge to lath markenikaldenge.”**

We have also referred the matter of illegal transfer of our land before the National Commission of Schedule Tribe at New Delhi and filed all documents in favour of our claim over the below schedule land.

M/s Green Wood Constructions through Sri. Dilip Agarwal and Sri. Dinesh Agarwal and their men and persons are depriving us from our lawful rights over our said land. That are forcefully occupying our land on the basis of title deeds which are not valid in the eye of law. all deeds mentioned hereinabove are sham documents in the eye of law.

In the above circumstances you are requested kindly to investigate the matter and take appropriate action against the offence committed by Sri. Dilip Agarwal and Sri. Dinesh Agarwal (Under Sec. 3 (f), (g) and (u) of the Scheduled Caste and The Scheduled Tribes (Prevention of Atrocities) Act, 1989).

Thanking You

Your's faithfully

Sabulal Panua.

(SABULAL PANNA)

Jadubhitar Chat, Millan More,
P.O. Champasari, P.S. Pradhan Nagar,
Dist. Darjeeling, PIN- 734003
(AADHAR – 4890 9671 9379)
Mob:- 78725 45886

Cc:

- ✓ 1. Siliguri Police Commissioner of Siliguri
- ✓ 2. District Magistrate – Jalpaiguri,
- ✓ 3. Backward Classes Welfare (BCW) - Jalpaiguri
- ✓ 4. ACP – Children Park, Siliguri,
- ✓ 5. DYCP – Children Park Siliguri.

Read over and explained the contents of the FIR to the complainant by me.

(Signature)

(ASHOKE KUMAR PRASAD)

Advocate/ Siliguri

Received on 13/8/23 at 12.05 hrs,
vide BKN PS GDE no-647 and started
Bhaktinagar PS case no-704/23 date
13/8/23 u/s - 3(f), (g), (u) of the
S.C & S.T (POA) Act, 1989. As per order
of Superior, Sri Narendra Kalicokay, ACP,
SB, SPC will investigate the case.

(Signature)
Inspector
Bhaktinagar Police Station
Siliguri Police Commissionerate