

To,

1. **Mr. Basudeb Ghoshal (Babul 'da)**
57, Dingsai Para Road,
Bally, Howrah - 711201
2. **Mr. Debasish Sadhukhan (Debu 'da)**
430/2, G.T. Road,
Bally, Howrah - 711201
3. **Mr. Srimanta Mukherjee (Kuntu 'da)**
55/2, Dingsai Para Road,
1st Floor,
Bally, Howrah - 711201
4. **Sri Kartik Seth**
55/3, Dingsai Para Road,
Bally, Howrah - 711201

Also copied to:

1. **Sri Amiya Chakraborty**
55/1, Dingsai Para Road,
Bally, Howrah - 711201
2. **Sri Sudhir Karmakar**
55/2, Dingsai Para Road,
Ground Floor,
Bally, Howrah - 711201

Notification of caveats, with background and reasons explained

09/03/2022

Dear Sirs,

I earnestly hope that this letter finds every one of you in good health and spirit.

I am impelled to write this letter, under compelling circumstances, regarding the piece of our land in front of our *pukka* house, and connects our house to the main Dingsai Para Road, that is wedged between 3 plots – by holding 57, Dingsai Para Rd. on the East, and holdings 55/2 and 55/3 on the West, and meets the Dingsai Para Road on the North.

For ease of understanding, please refer two pictures that are included overleaf in page 2.



Before: May 2019, when new construction commenced



After: February 2022, after shutters were installed

The ongoing constructions at adjoining 57, Dingsai Para Road is poised to alter the status quo of this open piece of land, which falls on the West of 57, Dingsai Para, and displayed on the left of the old and new constructions in pictures 1 and 2, respectively, as is self-explanatory in the two 'timelapse before-and-after' pictures in page 2.

With the demolition of the demarcating wall a few months back, we have been apprehending that there is a possibility that this piece of land may be merged and encroached upon. And with the installation of shutters on the ground floor (on 31st Jan 2022), it became apparent that the ground floor maybe sold as 'garages', or shops.

Either way, it seems that apartments and other spaces are being sold with the buyers/would-be-buyers being assured of undisputed access to trespass and drive their vehicles (amongst other things) on this piece of land. This, if such a thing is to happen, will completely and permanently alter the status quo of the said piece of land.

It would be analogous to selling a right to our property, and thus, part of our property!

As all of you are aware of, without reasonable doubt, that this piece of land is part and parcel of holding number 56, Dingsai Para Road – the undivided property that remains held in the name of my grandfather, Sri Purnendu Bhushan Mukherjee.

And all of you are aware of, as is publicly known, that this undivided property is the "suit property" in an ongoing legal proceeding under the 2nd Court of Ld. Executive Magistrate at Howrah (Ref: Misc. Petition No. 2049 of 2011).

And that any such attempted alteration of status-quo, if allowed unhindered, shall directly violate the "order of absolute injunction" by the 2nd Court of Ld. Civil Judge (Sr. Div.) at Howrah (Ref.: Order dated 15.03.2016, T.S. No. 13 of 2012) w.r.t. above "suit property" – that explicitly directs to maintain status quo in respect of nature, character and possession of the "suit property".

As such, there is also a prevalent risk that unsuspecting buyers/would-be-buyers/would-be-occupants may inadvertently get entangled into related legal complications.

Therefore, I must report the matter to appropriate legal forum accordingly, at the earliest.

Please remain assured that such appropriate measures have already been initiated independently.

This is for your information only.

However, in view of the disturbances in status quo that has already been created, I would also need to embark upon some additional corrective measures. It is due to this, that I needed to file the necessary caveats – to notify and explain which, this letter is intended.

Please accept my apologies beforehand, for all and any inconvenience thus caused.

1. Removal of the existing gate:

The existing gate has become completely defunct, with the demolition of the afore-mentioned demarcating wall, and lies along the wall of holding: 55/2. It will be uninstalled. Please note all such costs towards the installation of the same was borne solely by myself – many years back – and installed after discussing with all stakeholders, including (late) Babu'da of 57, Dingsai Para Rd.

2. Heightening the level of the piece of land, in discussion:

With the new constructions at holding 57, it is obvious that our entrance will be waterlogged during the rains. As such, the level needs to be heightened, and slanted away towards outlets.

3. Establishment of a new gate:

The existing gate also worked as a deterrent against vendors and vehicles, alike. A new gate needs to be installed at the very front to prevent the possibility of vendors encroaching/operating. It will also keep away auto/toto/vehicles from entering the premises without permission. This was never required previously, but there is a sudden surge of such nuances for a last couple of years.

Please be assured that around 4ft shall always remain open, to make sure that no existing ingress/egress of persons/bicycles/motorcycles is restricted.

4. Construction of boundary wall:

A boundary wall along the holding 57 will need to be erected on our side, to replace the demarcating wall that was demolished – as and when such a construction can be made possible.

5. Miscellaneous repairs:

Our wall facing holding 57 needs renewed plastering. It is pending for many years and in a very bad shape for a long time. That has worsened due to the new constructions, although the new constructions are not to be blamed for it. Therefore, this is a related additional work and not a corrective measure.

Please be assured that work for none of the above corrective measures would commence before mid-April – to ensure a fair time of at least one month to all recipients of this letter, or any other party, to file any legitimate objection that you (either individually or collectively) may have towards the same – directly in written to me, or through any competent legal forum.

With reference to the above corrective measure, this letter and the caveats are directed towards the adjoining plots:

- a) Mr. Basudeb Ghoshal, as representative of all stakeholders of holding 57;
- b) Mr. Debasish Sadhukhan, as representative of developers of holding 57;
- c) Mr. Srimanta Mukherjee, as representative of all stakeholders of holding 55/2;
- d) Sri Kartik Seth, as representative of all stakeholders of holding 55/3.

This letter is also copied to Sri Amiya Chakraborty and Sri Sudhir Karmakar, to keep them informed of afore-mentioned measures, and through them, inform all others who are indirectly affected.

Please also note that such works may be embarked upon, in no particular order or priority, and the caveats may be extended in case the works cannot be completed within the stipulated time – especially because I have to make for financial arrangements, for the unforeseen costs that I have to suddenly incur – for no fault of mine!

I look forward to your co-operation and tender my apologies, once again, for the temporary inconvenience thus caused. As a formality, please find attached the copies of the relevant caveats:

- i) Caveat Case No.: 604 of 2022, Court of Ld. 1st Civil Judge (Jr. Divn.), Howrah
- ii) Caveat Case No.: 112 of 2022, Court of Ld. 2nd Civil Judge (Sr. Divn.), Howrah
- iii) Caveat Case No.: 295 of 2022, Court of Ld. 3rd Civil Judge (Jr. Divn.), Howrah

Note: The matter contains innumerable spelling mistakes; incorrectly mentions Mr. Srimanta Mukherjee's address as 55/1 instead of 55/2, and mentions my grandfather's name instead of my father's: Late Wg. Cdr. Anutosh Kumar Mukherjee. Since the matter is understandable, I am sure this explanation and erratum should be permissible.

Attention: Mr. Basudeb Ghoshal and Mr. Debasish Sadhukhan

Please be reminded that the piece of land that is on the West of holding number 57, is part and parcel of holding number 56 – the undivided property comprising of 4 Cottah, 8 Chatak held in the name of Sri Purnendu Bhushan Mukherjee since 2nd July 1938 when he had bought this land from Sri Ashutosh Chattopadhyay. Previously numbered 11/1, the same was later renumbered by Bally Municipality as holding number 56. This defines the "suit property" as explained in page 3.

We have reasons to apprehend that there is an attempt to encroach into this property and merge the plots to your benefit. Furthermore, we have reasons to apprehend that new or would-be-occupants are being assured of unrestricted access to this property by portraying the said piece of land as a "public space".

Please refrain from any such activity. Please also be informed that any such transaction may be disputed, and might be deemed voidable by law.

If you had, for once, discussed your intentions before embarking in such actions, I could have warned of the repercussions beforehand.

Similarly, you have also planted a defunct electricity pole on our premises, without any discussion with us. One fine morning, in May 2019, we woke up to find CESC workers installing the same. When we enquired, you had said: "*porey amra nijeder dikey shoriye nebo*" – in these exact words. It has been almost 3 years since. Please have it removed immediately.

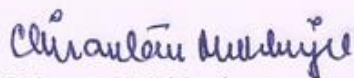
For a long time, we have been co-operating with all your works, allowing your works to be executed without any hurdles even when inconvenienced – that the both of you should know best. But considering the turn of events, we are no longer able to extend any such hospitality.

Please note: as of today, 09/03/2022, in addition to Mr. Basudeb Ghoshal and his family, one more extended family has taken residence in the ground and 1st floor, towards our plot. They have suddenly started parking a "toto" in front of our entrance, on our premises! Today is the third day, when it was parked overnight – as if they have a right to park it there. Such a thing has never happened without our permission, anytime in the past, with any of the neighboring occupants. Is it our job to explain/quarrel/fight? Please dissuade them, and educate them (and any other stakeholder) where the boundaries of holding 57 end – beyond which they do not possess any right to ownership.

Please also clear the front of your entrance (on the East of the remnants of the demolished demarcating wall) and ask them to use it – so that they are not forced to trespass on the adjoining premises. It is always kept blocked with bricks or debris, and we apprehend it is being done intentionally.

There are many additional issues, that I am convinced can only be explained through a competent legal forum.

Thanks and regards,



Chirantan Mukherjee
56, Dingsai Para Road, Bally.

Filed on
15/2/22

In the Court of Id. 1st Civil Judge (Jr. Divn.) at Howrah

Caveat Case No. 604 of 2022

In the matter of :-

An application Under Section 148A of
Code of Civil Procedure for caveat.

A N D

In the matter of :-

Sri Chirantan Mukherjee, son of Late
Purnendu Bhusan Mukherjee, residing at
56, Dingsai Para Road, P.O. and Police
Station Bally, Dist. Howrah, Pin-711 201.

..... Caveator

To
The Id. 1st Court Civil Judge
(Jr. Divn) at Howrah.

S i r,

Let nothing be done ex-parte against this caveator
without giving prior notice to this caveator, if any suit,
injunction application or any other applications filed by the
Opposite Party or any other persons against this caveators.

Yours Faithfully,
Jayraj Mukherjee
Advocate

Contd.....P/2

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PARTICULARS

- 1) Name and address of the Caveator. : Sri Chirantan Mukherjee, son of Late Purnendu Bhusan Mukherjee, residing at 56, Dingsaipara Road, P.O. and Police Station Bally, District-Howrah, Pin - 711 201.
- 2) Name and address of the Opposite Parties against whom the Caveat is to be lodged. : 1) Sri Basuleb Ghosal, s/o. not known, residing at 57, Dingsai Para Road, P.O. & P.S. Bally, Dist.Howrah-711 201, 2) Sri Debasish Sadhukhan, s/o. not known residing at 430/2G.T. Road, P.O. & P.S. Bally, Dist. Howrah-711201, 3) Sri Srimanta Mukherjee, s/o. not known, residing at 55/1, Dingsaipara Road, P.O. and P.S. Bally, Dist.Howrah-711 201, 4) Sri Kartik Seth, s/o. not known, residing at 55/3,Dingsai-para Road, P.O. and P.S. Bally, Dist .Howrah-711 201.
- 3) Name and nature of proceeding may be filed. : Any suit or suits or injunction application or any other

// 3 //

: proceedings in nature to be instituted
by the Opposite Parties against the
caveator in respect of a property
measuring about $4\frac{1}{2}$ Cottaks 8 chittaks
0 sq.ft. along with $2\frac{1}{2}$ storied pucca
building standing thereon lying and
situated within the holding No. 56,
Dingsai Para Road, P.O. & P.S. Bally,
Dist. Howrah-711 201, Ward No. 53.

4) Name of the Advocate: SANJAY MUKHERJEE,

by which the Advocate, Judges' Court, Howrah.
information
be given.

Filed on
15/2/2022

In the Court of Id. 2nd Civil Judge (Sr. Divn.), at Howrah

Caveat Case No. 112 of 2022

In the matter of :-

An application under Section 148A of
Code of Civil Procedure for caveat.

A N D

In the matter of :-

Sri Chirantan Mukherjee, son of Late
Purnendu Bhusan Mukherjee, residing at
56, Dingsai Fara Road, P.O. and Police
Station Bally, District-Howrah.

Pin - 711 201. Caveator.

To
The Id. 2nd Court Civil Judge
(Sr. Divn.) at Howrah.

S i r,

Let nothing be done ex-parte against this Caveator
without giving prior notice to this caveator, if any suit,
injunction application or any other applications filed by the
Opposite Party or any other persons against this Caveators.

Yours faithfully,

Parag Mukherjee
Advocate

Contd.....P/2

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PARTICULARS

- 1) Name and address of the : Sri Chirantan Mukherjee, son
Caveator. of Late Purnendu Bhusan Mukherjee,
residing at 56, Dinsaipara Road,
P.O. and Police Station Bally,
District-Howrah, Pin-711 201.
- 2) Name and address of the : 1) Sri Basudeb Ghosal, S/o. not
Opposite Parties against known, residing at 57, Dingsai Para
whom the Caveat is to be Road, P.O. & P.S. Bally, Dist.
lodged. Howrah-711 201, 2) Sri Debasish
Sadhukhan, s/o. not known,
residing at 430/2G.T. Road, P.O.
& P.S. Bally, Dist. Howrah-711 201,
3) Sri Srimanta Mukherjee, s/o.
not known, residing at 55/1,
Dingsaipara Road, P.O. and P.S.
Bally, Dist. Howrah-711 201,
4) Sri Kartik Seth, s/o. not
known, residing at 55/3, Dingsai-
para Road, P.O. and P.S. Bally,
Dist. Howrah-711 201.
- 3) Name and nature of : Any suit or suits or injunction
proceeding may be filed. application or any other

Contd.....P/3

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: Proceedings in nature to be instituted
by the Opposite Parties against the
Caveator in respect of a property
measuring about 4 cottahs 8 chittaks
0 sq.ft. along with 2½ storied pucca
building standing thereon lying and
situated within the holding No. 56,
Dingsai Fara Road, P.O. & P.S. Bally,
Dist. Howrah-711 201, Ward No. 53.

4) Name of the Advocate: SANJAY MUKHERJEE,

by which the Advocate, Judges' Court, Howrah.
information be
given.

Filed on
15/2/2022

In the Court of Id. 3rd Civil Judge (Jr. Divn.), at Howrah

Caveat Case No. 225 of 2022

In the matter of :-

An application under Section 148A of
Code of Civil Procedure for caveat.

A N D

In the matter of :-

Sri Chirantan Mukherjee, son of Late
Purnendu Bhusan Mukherjee, residing at
56, Dingsai Para Road, P.O. and Police
Station Bally, Dist. Howrah. Pin-711 201

.... Caveator

To
The Id. 3rd Court of Civil Judge
(Jr. Divn.) at Howrah.

S i r,

Let nothing be done ex-parte against this Caveator
without giving prior notice to this Caveator, if any suit,
injunction application or any other applications filed by the
Opposite Party or any other persons against this caveators.

Yours faithfully,

Jayjay Mukherjee
Advocate

Contd.....P/2

// 2 //

PARTICULARS

- 1) Name and address of the Caveator. : Sri Chirantan Mukherjee, son of Late Furnendu Bhusan Mukherjee, residing at 56, Dingsaipara Road, P.O. and Police Station Bally, District-Howrah, Pin-711 201.
- 2) Name and address of the Opposite Parties against whom the Caveat is to be lodged. : 1) Sri Basudeb Ghosal, s/o. not known, residing at 57, Dingsai Para Road, P.O. & P.S. Bally, Dist. Howrah-711 201, 2) Sri Debasish Sadhukhan, s/o. not known, residing at 430/2, G.T. Road, P.O. & P.S. Bally, Dist. Howrah-711 201, 3) Sri Srimanta Mukherjee, s/o. not known, residing at 55/1, Dingsaipara Road, P.O. and P.S. Bally, Dist. Howrah-711 201, 4) Sri Kartik Seth, s/o. not known, residing at 55/3, Dingsaipara Road, P.O. and P.S. Bally, Dist. Howrah-711 201.
- 3) Name and nature of proceeding may be filed. : Any suit or suits or injunction application or any other

Contd...P/3

// 3 //

: Proceedings in nature to be instituted by the Opposite Parties against the caveator in respect of a property measuring about 4 Cottahs 8 chittaks 0 sq.ft. along with 2½ storied pucca building standing thereon lying and situated within the holding No. 56, Dingsai Para Road, P.O. & P.S. Bally, Dist. Howrah, Pin - 711 201, Ward No. 53.

4) Name of the Advocate : SANJAY MUKHERJEE

by which the Advocate, Judges' Court, Howrah information be given.

भारतीय डाक



India Post

EW908196395IN IVR:69879081963
SP BALLY SO (711201)
Counter No:1,10/03/2022,10:50
To:ANIYA CHAKRAB,55/1 DINGSAI PAR
PIN:711201, Bally SO
From:CHIRANTAN M,56 DINGSAI PARA
Wt:50gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in>
<Dial 18002666868> (Wear Mask, Stay Safe)

भारतीय डाक



India Post

EW908196132IN IVR:69879081961
SP BALLY SO (711201)
Counter No:1,10/03/2022,10:50
To:SUDHIR KARMAN,55/2 DINGSAI PAR
PIN:711201, Bally SO
From:CHIRANTAN M,56 DINGSAI PARA
Wt:50gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in>
<Dial 18002666868> (Wear Mask, Stay Safe)

भारतीय डाक



India Post

EW908196271IN IVR:69879081962
SP BALLY SO (711201)
Counter No:1,10/03/2022,10:50
To:KARTIK SEIN,55/3 DINGSAI PAR
PIN:711201, Bally SO
From:CHIRANTAN M,56 DINGSAI PARA
Wt:50gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in>
<Dial 18002666868> (Wear Mask, Stay Safe)

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A

EW908196166IN IVR:69879081961
SP BALLY SO (711201)
Counter No:1,10/03/2022,10:50
To:SRIMANTA NUKH,55/2 DINGSAI PAR
PIN:711201, Bally SO
From:CHIRANTAN M,56 DINGSAI PARA
Wt:50gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in>
<Dial 18002666868> (Wear Mask, Stay Safe)

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India Post

EW908196387IN IVR:69879081963
SP BALLY SO (711201)
Counter No:1,10/03/2022,10:50
To:DEBASISH SAOH,430/2 G T RD
PIN:711201, Bally SO
From:CHIRANTAN M,56 DINGSAI PARA
Wt:50gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in>
<Dial 18002666868> (Wear Mask, Stay Safe)

भारतीय डाक



India Post

EW908196373IN IVR:69879081963
SP BALLY SO (711201)
Counter No:1,10/03/2022,10:50
To:BASUDEB GHOSH,57 DINGSAI PARA
PIN:711201, Bally SO
From:CHIRANTAN M,56 DINGSAI PARA
Wt:50gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in>
<Dial 18002666868> (Wear Mask, Stay Safe)

भारतीय डाक



India Post

EW908196373IN IVR:69879081963
SP BALLY SO (711201)
Counter No:1,10/03/2022,10:50
To:BASUDEB GHOSH,57 DINGSAI PARA
PIN:711201, Bally SO

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