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2021

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No. 9394 of 2020

**Mrs. Tandra Maity
Versus
The State of West Bengal and others**

Mr. Sandip Kumar Bhattacharyya,
Mr. Suman Basu,
Ms. Debanwita Pramanik.
...for the petitioner.

Mr. Raja Saha,
Mr. Amit Kr. Ghosh.
...for the State.

The petitioner's grievance is that the private respondents, being the in-laws of the petitioner, are disrupting the water supply of the petitioner. As such, it is submitted, the petitioner is suffering immeasurably.

Despite having approached the police authorities and the District Magistrate at Hooghly, it is submitted that no effective action has been taken by the said authorities. Learned counsel relies on several representations given by the petitioner, copies of which are annexed at page 12 onwards of the writ petition. Learned counsel also indicates that, as reflected in Annexure P/6 at page 20 of the writ petition, the concerned Additional District Magistrate,

vide Order dated August 10, 2020, forwarded the matter to the Superintendent of Police, Hooghly Rural Police Commissioner, Kamarkundu, Singur, Hooghly, West Bengal. Learned counsel argues that the nature of the complaint comes within the purview of Section 430 of the Indian Penal Code, which prescribes a cognizable offence. As such, it is submitted that the police ought to have registered a First Information Report and investigated into the matter.

Learned counsel appearing for the respondent-authorities makes submissions on the basis of a report filed in Court today, which is kept on record.

However, the report shows that enquiries have been held and proceedings initiated primarily under Sections 107/116 of the Code of Criminal Procedure and other related Sections.

Since the offence alleged by the petitioner comes within the purview of Section 430 of the Indian Penal Code, as rightly argued by learned counsel for the petitioner, it was incumbent upon the police authorities to register a First Information Report and investigate into the matter. Such course of action having not been taken, WPA 9394 of 2020 is allowed, directing the respondent no.3 to register a First Information Report immediately on the complaints lodged by the petitioner, inasmuch as those pertain to

Section 430 of the Indian Penal Code, and to investigate into the matter duly.

There will be no order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

The respondent no.3 is to act on communication by the learned advocates and/or a server copy of this order, without insisting upon prior production of a certified copy.

(Sabyasachi Bhattacharyya, J.)