

08
21.06.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 15902 of 2024

**Niyati Barui
-versus
The State of West Bengal & Ors.**

**Mr. Ibrahim Shaikh.
...For the Petitioner.**

**Mr. Amitesh Banerjee, SSC,
Mr. Tarak Karan.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The grievance of the petitioner is that she is staying at her residence with her minor daughter and the private respondents are continuously giving life threats to her. The private respondents are also not permitting the petitioner to catch fish from the pond.

A complaint was lodged before the Officer-in-charge, Sandeshkhali Police Station but no action has been taken in response to the same.

Learned advocate appearing on behalf of the State respondents relies upon the report forwarded by the Officer-in-charge, Sandeshkhali Police Station signed on 20th June, 2024 which mentions that on receipt of the complaint a physical enquiry was conducted. During enquiry it revealed that the dispute relates to plot of land occupied by the petitioner where

she catches fish by cultivating the same in the pond situated in front of her house. Enquiry revealed that the petitioner is in occupation of the said plot of land for more than 30 years. The pond in question is the property of PWD (Roads), West Bengal.

On the allegation of altercation which took place between the parties and over the threats received by the petitioner, the police has submitted prosecution under Section 107 Cr.P.C. being Sandeshkhali PS NCR No. 258/24 dated 6th June, 2024. A further case being, Sandeshkhali PS Case No. 284/24 dated 20th June, 2024 under Sections 447/379/506/34 IPC has been started and investigation of the case is proceeding.

As it appears that the police has already initiated a case and is investigating the same, accordingly, the instant writ petition is disposed of by directing the police to continue with the investigation in accordance with law and conclude the same at the earliest.

The police shall ensure that no harm is caused to the life and property of the petitioner in any manner whatsoever.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)