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02.07.2024
d.p.

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

W.P.A. 16651 of 2024

**Anil Kumar Modak
-versus
The State of West Bengal & Ors.**

**Ms. Swapna Roy.
...For the Petitioner.**

**Mr. Suman Sengupta,
Ms. Amrita Panja Moullick.
...For the State.**

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

The petitioner submits that the local land grabbers are threatening and pressurizing the petitioner to hand over the land to them. On refusal to do so, threat of life has been given to the petitioner. Seeking police protection the petitioner rushed to this Court by filing writ petition on 27th June, 2023.

On a perusal of the writ petition there is nothing to suggest that a formal written complaint was made before the police highlighting his apprehension.

A supplementary affidavit has been affirmed on 2nd July, 2024 disclosing subsequent facts. It has been submitted that the local land grabbers are very powerful and influential people and the petitioner does not have the courage to face them independently.

Prayer has again been made for providing police protection for protecting the land of the petitioner.

Learned advocate appearing on behalf of the State respondents relies on the instruction forwarded by the Circle Inspector of Police, Nakashipara Police Station signed on 1st July, 2024.

It appears therefrom that a title suit in respect of the subject land is pending consideration before the Learned Civil Court. In furtherance to the order passed by the Learned Magistrate in a petition under Section 156(3) Cr.P.C. FIR being Nakashipara PS Case No. 660/23 dated 10th August, 2023 under Sections 323/325/354A/506/34 IPC was registered which culminated in Nakashipara PS CS No. 669/23 dated 31st August, 2023.

A further complaint was lodged by the petitioner's daughter giving rise to PS Case No. 249/24 dated 12th March, 2024 under Sections 341/323/354/506 IPC.

As regards threat by the land grabbers, there is no formal complaint before the police till date.

Leave is granted to the petitioner to file complaint against the persons threatening him to hand over his land before the police. The police shall take necessary steps in response to the said complaint, if filed.

The police is directed to continue the investigation of PS Case No.249/24 in accordance with law and conclude the same at the earliest.

However, police shall ensure that there is no breach of peace at the locale and the life and property

of the petitioner is not endangered by any person whatsoever.

Report filed by the Circle Inspector of police Nakashipara Police Station signed on 1st July, 2024 is taken on record.

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.)