

25.06.2021
Court No.30
rpan /11

W.P.A. (H) No. 26 of 2021

In re: An application under Article 226 of the
Constitution of India;

And

In re: **Sri Amal Krishna Bhattacharya**
– Versus –
The State of West Bengal & Ors.

Mr. Amitabha Ghosh
... for the Petitioner.

Mr. Saibal Bapuli,
Md. Sabir Ahmed
... for the State respondents.

The present habeas corpus petition has been preferred alleging *inter alia* that appropriate steps have not been taken by the competent authorities to recover the petitioner's niece, namely, Mou Banerjee (in short, Mou).

Mr. Ghosh, learned advocate appearing for the petitioner submits that Mou was married to one Sanjib Banerjee. Surprisingly, on and from 24th October, 2020 Mou was missing and the petitioner lodged a missing diary which was registered as Saktigarh Police Station GDE no.886 dated 25th October, 2020. However, no steps were taken by the police authorities to recover Mou, who was suffering from mental illness.

Mr. Ghosh also draws our attention to the contents of the subsequent complaint lodged before the respondent no.3 on 17th December, 2020 and

submits that the said respondent had failed to discharge his statutory obligation. Aggrieved thereby, the petitioner has approached this Court.

Mr. Bapuli, learned advocate appearing for the State respondents, however, submits that the present habeas corpus petition is not maintainable since on the basis of the complaint lodged by the petitioner, an enquiry was conducted and the missing lady could be contacted and she informed that she is willingly residing with one Putul Bhattacharjee, w/o – Gopal Bhattacharjee of Koyal Para, 17 Nowapara, P.S. – Nowapara, Dist – North 24-Pgs. Mou also intimated the respondent no.3 that she has no complaint against any person. Stating such facts, Mou had executed a declaration in a non judicial stamp paper, duly signed by her advocate, namely, Rabindra Nath Dey. Let the written instruction and the documents, as produced, be kept on record. Let photocopies of the same be also forwarded to Mr. Ghosh, learned advocate appearing for the petitioner immediately.

In the said conspectus and as it appears that the petitioner's niece is willingly residing with one Putul Bhattacharjee, it cannot be urged that she is not under any illegal detention and accordingly, no interference is called for and the writ petition, being WPA (H) 26 of 2021, is dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Md.Nizamuddin, J.) (Tapabrata Chakraborty, J.)