

S/L 8
26.03.2021
Court. No. 23
suvayan

WPA 9862 of 2020

Sonia Parai (Santra)
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Mukteswar Maity

...for the Petitioner.

Mr. Ayan Banerjee

Mr. P.P. Roy

...for the State-respondents.

Ms. Aparna Banerjee

...for the respondent no.3.

Mr. Asish Kumar Das

Mr. Goutam Som

Mr. Sani Nandy

...for the respondent no.9.

The writ petitioner's grievance in this writ petition is inaction on the part of the respondent no.3 in closing the petitioner's complaint without any proper enquiry.

The petitioner says that the petitioner's husband being respondent no.9 is working in Central Reserve Police Force (CRPF). The said respondent no.9 is neither maintaining the petitioner/his wife nor the child born out of the wedlock of the respondent no.9 and the petitioner.

The petitioner without taking recourse of the specific provisions contained in the Code of Criminal Procedure, 1973 (in short Cr.P.C) applied before the District Magistrate ventilating her grievance of non-

payment of maintenance by the respondent no.9. The District Magistrate had forwarded the petitioner's complaint to the Inspector General of Police, West Bengal, Sector Central Reserve Police Force, CRPF to cause enquiry in the matter and take appropriate action. The Deputy Inspector General of Police (Administration) by a letter in September 2019 had requested the Commandant, 239 Battalion, Central Reserve Police Force (respondent no.3), for taking a decision for providing relief to the petitioner's problem. In pursuant to such letter, the Commandant had disposed of the petitioner's complaint by recording that the respondent no.9 is ready and willing to keep his wife with him and as such, the petitioner was requested to take necessary steps upon being made aware of such situation. By another letter the said Commandant (respondent no.3) requested the petitioner to take appropriate steps for solution of the family problem amicably.

The petitioner being aggrieved by such finding and/or observation by the Commandant and for other consequential relief has approached this Court.

After hearing the petitioner and considering the materials-on-record, I find that the petitioner has a specific remedy in law for claiming and receiving maintenance from her husband if the said husband is

not maintaining the petitioner. The petitioner cannot get the desired relief by making representation to the officer of the organization wherein the petitioner's husband (respondent no.9) is employed. The said officers do not have statutory power and authority to decide on the issue of maintenance which the petitioner claims to be not paid by her husband (respondent no.9).

No mandatory order can be passed in this writ petition directing the officer of the organization wherein the respondent no.9 is employed to provide for maintenance to the petitioner. Even a direction to consider afresh the petitioner's representation by the officer and/or officers of the organization wherein the respondent no.9 is employed will also not ensure to any benefit to the petitioner in the facts and circumstances of the instant case.

The writ petition is, therefore, disposed of by giving liberty to the petitioner to take recourse the statutory remedy available to the petitioner on the same grounds.

Nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties on upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)