

27.06.2022
Item No.02
Court No.32
Avijit Mitra

WPA (H) 27 of 2022

Smt. Mamata Chatterjee

-vs-

State of West Bengal & ors.

Mr. Bidhayak Lahiri,
Mr. Arun Kumar Ghosh,
Ms. Bhaswati Lahiri
....for the Petitioner
Ms. Ipsita Banerjee
...for the State

Mr. Lahiri, learned advocate appearing for the petitioner submits that the petitioner's father, namely, Haripada Pradhan, who is an aged person of 73 years and is suffering from the dreaded disease of Alzheimer, went missing on and from 3rd January, 2022. A missing diary was lodged on 4th January, 2022 but appropriate steps were not taken. The petitioner thereafter submitted several representations to the higher officials including the Director General of Police, Criminal Investigation Department but in vain. As such, the petitioner was constrained to approach this Court.

Records reveal that by an order dated 28th April, 2022, the Officer-in-Charge, Nandigram Police Station was directed to file a comprehensive report detailing the steps taken on the basis of the complaint lodged. Pursuant to such direction, initially a report was filed on 28th April, 2022. Thereafter, a further report in the form of an affidavit has been filed by the respondent no.8. The

petitioner has also filed an exception to the report filed in the form of an affidavit.

Mr. Lahiri argues that the police authorities have failed to discharge their statutory obligations and there had been no sincere endeavour on their part to recover the petitioner's father.

Drawing our attention to the annexures to the exception, Mr. Lahiri submits that the petitioner's father was found to have crossed the house of one Mintu Jana and the Sitanath College building on the date he went missing. The CCTV footages from the CCTV cameras installed at the said places were not considered by the police authorities.

Per contra, Ms. Banerjee, learned advocate appearing for the State submits that the police authorities took all necessary steps to recover the petitioner's father. He is an Alzheimer patient and went missing on and from 3rd January, 2022. He is not under illegal detention and as such no interference is called for in the present application.

Drawing our attention to the contents of the reports filed she submits that the details of the missing person was uploaded in the MCTP portal for wide publication. Thereafter, the police officials visited various places including the jurisdiction of Ghatal Police Station, Daspur Police Station, Maidan Police Station but the petitioner's father could not be recovered. The allegation

that that the police authorities have failed to discharge their statutory obligations is unfounded.

It is not a case that the petitioner's father has been illegally detained. Haripada Pradhan, who went missing on and from 3rd January, 2022 was suffering from the disease of Alzheimer. Such facts have been stated in the writ petition itself. From the reports, as filed before this Court, we find that the police authorities enquired at different places including the jurisdiction of various police stations but in vain. The petitioner admittedly is not under illegal detention. He went missing and being an Alzheimer patient it appears that he could not return to his residence.

In such circumstances, we are not inclined to proceed with the present habeas corpus petition any further for tracking down a missing person or to monitor and supervise the acts of the police authorities by keeping the petition pending for an indefinite period.

With the above observations, the present petition is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Raja Basu Chowdhury,J.) (Tapabrata Chakraborty J.)