

AD-03
Ct No.09
03.08.2023
TN

WPA No. 1609 of 2022

Fatema Begum @ Fatema Begam @ Fatama Begum
and others

Vs.

The Union of India and others

Mr. Vivekananda Bose,
Ms. Afreen Begum

.... for the petitioners

Mr. Dhiraj Trivedi,
Mr. Sagar Saha,
Mr. Supriya Mahajan

.... for the UOI

Mr. S.N. Mookherjee,
Mr. Santanu Kumar Mitra

.... for the State

A report in the form of an affidavit is filed by the learned Advocate General on behalf of the State, as per previous direction. The same be kept on record.

There are two components to the present challenge.

The first is that the petitioners have been languishing within the precincts of the correctional home, despite the relevant statutory guidelines providing otherwise. The second component is that the petitioners seek to be re-united with their family, particularly the husband of petitioner no. 1, who is located elsewhere.

As far as the first component is concerned, the State has taken care to redress the situation, since, as per the report filed today, the petitioners have been placed in a women's home, which is a safe home/shelter beyond the precincts of the correctional home.

However, insofar as the component of re-uniting is concerned, it is beyond the scope of this court, sitting in writ jurisdiction, to so direct the administration. However, the petitioner and/or her husband will be at liberty to make a proper application before the appropriate authorities seeking such re-uniting and placement in the same location. If such an application is made, the respondent-authorities shall consider the same and, only if considered safe otherwise and in accordance with law, the said request for re-uniting will be acceded to.

However, the writ court cannot grant the second relief as claimed by the petitioners in this writ petition.

In view of the matter being resolved with regard to shifting of the petitioners outside the correctional home precincts and their placement in a safe home, WPA No. 1609 of 2022 is disposed of, without any order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)